

DNREC LANGUAGE ACCESS PLAN



I. Overview

- a. DNREC ensures that individuals with Limited English Proficiency (“LEP”) have meaningful access to all DNREC programs, services, and activities. Policy guidance published by the United States Environmental Protection Agency defines LEP as “individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.”
- b. This Language Access Plan seeks to provide DNREC employees with resources and a protocol for interacting with identified LEP individuals or communities. It is DNREC’s policy to provide language assistance, where a community’s need for language support services is identified through the guidelines of this Plan, in order to empower communities to meaningfully participate in DNREC’s programs, services, or activities.
- c. “Translation” refers to the replacement of a written communication from one language to another, either in written or oral form, and “interpretation” refers to the act of listening to dialogue in one language and orally translating it into another language. In both contexts, effective communication is the goal.
- d. “Vital documents” consist of paper or electronic material that is critical to access DNREC’s programs, activities, and services. Classification of a document as “vital” depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner. DNREC may determine it necessary to translate only the vital information contained in a document that contains both vital and non-vital information; documents need not be translated in their entirety unless the entire document is considered vital. DNREC may communicate the information in vital documents through oral interpretation or written translation.

II. Identifying the Need for Language Assistance Services

- a. DNREC considers the following four factors when determining the language access resources to provide when interacting with LEP communities:
 - i. The number of LEP individuals in Delaware likely to be served or affected by the DNREC program, activity, or service;
 - ii. The frequency with which LEP individuals may come in contact with the DNREC program, activity, or service;
 - iii. The nature and importance of the DNREC program, activity, or service to the LEP community; and
 - iv. The resources available to DNREC and the overall cost to provide LEP assistance.

- b. DNREC staff may utilize the United States Environmental Protection Agency’s [EJScreen: Environmental Justice Screening and Mapping Tool](#), DNREC’s [Limited English Neighborhoods data layer](#), or other resources to determine which Delaware communities are considered LEP. DNREC will use these resources to determine the most common languages spoken.
- c. In Delaware, the largest non-English speaking population within each census tract per the United States Census Bureau’s 2017-2021 (ACS) and the State of Delaware Department of Education is Spanish-speaking, making up 13% of each block on average. The second largest language group was composed of people who speak Haitian Creole at approximately 4%.
- d. Language access services will be provided by a certified third-party vendor. If necessary, language access services may also be provided by volunteer interpreters. Independently, DNREC may also undertake its own demographic analysis on a project-by-project basis and translate vital documents.

III. Notice of Availability of Language Assistance Services

- a. DNREC will provide notification to LEP individuals who seek information on DNREC programs, services, and activities that language assistance services are available at no cost. Such notification may take the form of, but is not limited to: multilingual posters, signs, brochures, social media posts, forms on DNREC’s website, or text within materials distributed to the public.
 - i. Links will be displayed on DNREC’s website to indicate that documents may be available for viewing or downloading in languages other than English. Whenever practicable, the text displayed for those links will be displayed in English, Spanish, and Haitian Creole.
 - ii. DNREC’s Non-Discrimination Notice, linked at the bottom of its website and available in English, Spanish, and Haitian Creole, notes that DNREC will provide free language assistance to LEP individuals and contains the contact information of DNREC’s Non-Discrimination Coordinator.
 - iii. DNREC’s Title VI webpage, linked at the bottom of its website, states that DNREC will provide translation or interpretation services and includes an e-mail and phone number to contact for more information.
- b. DNREC will identify and maintain a spatial database of community resources—the “Community Assets Campaign”—including points of contact, meeting locations, and bulletin boards, to better adapt its public notice and outreach strategies in LEP communities.

IV. Selecting Language Assistance Services

- a.** DNREC will provide written translation for vital documents wherever the need for such is determined pursuant to Section II, above, as well as for each eligible LEP language group that constitutes the lower of either:
 - i.** 5% of the affected community's population; or
 - ii.** Includes 1,000 people within the community who are likely to be encountered or affected by the project, program, or activity.
- b.** Using best available knowledge, DNREC will determine the affected community based on the nature of impacts from the project, program, or activity on the surrounding population.
- c.** If there are fewer than 50 people in a language group that reaches the 5% of the affected communities population threshold, DNREC will not translate vital documents, but will provide written notice in the primary language of the LEP language group of their right to receive oral translation of these vital documents.
- d.** DNREC will also provide oral interpretation services upon request. The request may be made directly by the individual or community requiring interpretation, or by a third party on behalf of that individual or community. Oral interpretation services may be provided for interactions with LEP individuals or communities. Oral interpretation services may also be provided for public meetings in LEP communities. To best meet the needs of LEP individuals or communities, DNREC staff may seek additional or alternative methods of providing meaningful access to LEP populations, such as the use of live, in-person interpreters or phone translation services.
- e.** DNREC staff will have access, via the intranet, to state-contracted translation and interpretation services, and will further have access to a step-by-step guide to procuring language assistance services as needed.
- f.** In addition to DNREC's affirmative duty to provide language assistance services as described above, upon an individual's request, DNREC will provide oral interpretation of an application, assistance with submitting public comments on an application, or live oral interpretation at a public hearing or other DNREC-hosted event.
 - i.** Requests for oral interpretation of an application or assistance with submitting a public comment must be made no later than ten (10) business days prior to the close of that application's comment period.
 - ii.** Requests for live oral interpretation must be made no later than ten (10) business days prior to date of the DNREC-hosted public hearing, meeting, or community event.

- iii. DNREC may, in its discretion, waive the ten (10) business day timeliness requirement.

V. DNREC Language Assistance Training

- a. DNREC staff, with particular focus on employees likely to encounter LEP individuals, will be trained on DNREC’s non-discrimination policies and procedures, including this Language Access Plan, and on DNREC’s federal obligations as part of DNREC’s required annual staff training. Staff who routinely encounter LEP individuals will be offered refresher training and the opportunity to provide feedback on DNREC’s Language Access Plan.

VI. Monitoring and Evaluation of Language Assistance Services

- a. As part of its monitoring and evaluation effort, DNREC will periodically review its procedures for providing language access services, existing training programs, outreach activities, and language access data to update this Language Access Plan. This monitoring and evaluation may include, but is not limited to:
 - i. Observing and evaluating agency interactions with LEP individuals;
 - ii. Keeping current on LEP community demographics and needs by periodically reviewing census data and engaging school districts, faith communities, and other local resources; and
 - iii. Considering new resources including funding, collaborations with other agencies, human resources, emerging technologies, and other mechanisms for ensuring improved access for LEP individuals.
- b. In evaluating the effectiveness of this Plan and the need for additional measures, DNREC will assess feedback from DNREC staff and the public, including LEP individuals. DNREC may also consider the availability of its own resources, and ways to deliver language services in a more cost-effective or impactful way.
- c. As needed, DNREC will update this Language Access Plan to reflect any change in the plan and to ensure relevancy and quality control of DNREC’s language access services.

VII. Contact Information

- a. If you have any questions or concerns or specific needs regarding document translation, language interpretation or other communication access services, please contact the following staff:
 - i. Andrew Gainey
 - ii. Environmental Justice Specialist
 - iii. 302-739-9487
 - iv. andrew.gainey@delaware.gov

- b.** It is the policy of DNREC that no person shall, on the ground of race, color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Rehabilitation Act of 1973, and all other related nondiscrimination laws and requirements. A person, or the authorized representative of a person, who believes that they or a class of persons have been excluded from participation in, denied the benefits of, or subjected to discrimination under any DNREC program or activity on the basis of race, color, age, national origin, disability, sex, or retaliation, may file a complaint with DNREC according to the procedures available here:
<https://documents.dnrec.delaware.gov/Admin/Environmental-Justice/Title-VI-Grievance-Procedures.pdf>.