

Language Access Plan

Ensuring Meaningful Access for People with Limited English Proficiency

06/30/2022

To request this document in another language, please send email and attach document to languageservices.dnr@state.mn.us.

Para pedir este documento en otro idioma, envíe un correo electrónico y adjunte el documento a languageservices.dnr@state.mn.us.

Yog xav kom muab daim ntawv no sau ua lwm hom lwm, thov sau ntawv nrog daim ntawv tuaj rau ntawm languageservices.dnr@state.mn.us.

Si aad u codsato dukumeentigan oo ku qoran luqad kale, fadlan email u soo dir oo ku soo lifaaq dukumiintiga languageservices.dnr@state.mn.us.

Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4040
888-646-6367 or 651-296-6157
Minnesota Relay 7-1-1
www.mndnr.gov

Upon request, this material will be made available in an alternative format such as large print, Braille or audio recording. Printed on recycled paper.

Contents

Language Access Plan 1

 Purpose..... 5

 Policy Statement..... 5

 Authority..... 5

 Roles and Responsibilities 6

 DNR 6

 Sub-recipients of Federal Grants..... 7

 DNR Staff Awareness and Training..... 7

 Determining the Need for Language Access Services: Four-Factor Analysis..... 8

 1. The number or proportion of persons with LEP eligible to be served or likely to be encountered..... 8

 2. The frequency with which Individuals with LEP come in contact with the DNR..... 15

 3. The nature and importance to people's lives of the program, activity, or service provided by the DNR .. 15

 4. The resources available to the DNR and the costs of language assistance..... 15

 Collection of language preference information..... 16

 Selecting Language Assistance Services..... 16

 Oral Interpretation 17

 Written Translation 18

 Information Privacy Protection/Data Privacy Protection 20

 Minimum necessary access to data..... 20

 Duty to ensure proper handling of data..... 20

 Monitoring/Evaluation 21

 Complaint Process 21

 Appendices..... 21

 Appendix I: Definition of Terms 21

Appendix II: Notice of Right to Language Assistance 24

DNR language block and multilingual referral lines 24

Appendix III: Primary Language Spoken in the Home for 2019-2020 School Year..... 25

Purpose

The purpose of the Language Access Plan (Plan) is to help ensure that the Minnesota Department of Natural Resources (DNR) communicates effectively with people with limited English proficiency (LEP), and to help provide meaningful access to DNR program information and services for every Minnesotan.

The mission of the DNR is to work with Minnesotans to conserve and manage the state's natural resources, to provide outdoor recreation opportunities, and to provide for commercial uses of natural resources in a way that creates a sustainable quality of life. More information about our services and programs can be found on the [DNR website](#).

This Plan is an important part of meeting the needs of our diverse governmental and non-governmental partners and stakeholders. Diversity, equity and inclusion are key values of the DNR. The agency's Strategic Plan identifies advancing diversity, equity and inclusion as one of nine strategic priorities. It "ensure[s] DNR facilities, lands, and engagement processes are welcoming and accessible, and that our work is equitable across economic and cultural communities."

This Plan also facilitates compliance with federal requirements. All agencies that receive federal financial assistance must take adequate steps to ensure that individuals with LEP receive the language assistance necessary to allow them meaningful access to services without additional charge.

Policy Statement

It is the policy of the DNR to take reasonable steps to provide individuals with LEP timely and meaningful access to DNR information, programs and activities. It is also our policy to have an agency Language Access Plan and to inform the public that language assistance services are available at no cost.

Authority

Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination based on race, color and national origin in programs and activities receiving federal financial assistance.

Presidential Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, was issued in 2000. This order directs federal agencies to work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

Department of Justice (DOJ) regulations implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. (Title VI), under which recipients of federal financial assistance have a responsibility to ensure meaningful access to their programs and activities by persons with LEP. See 28 CFR 42.104(b)(2).

The Minnesota Human Rights Act, Minnesota Statutes Chapter 363A, prohibits discrimination based on race or national origin in public service.

Roles and Responsibilities

DNR

When language access is requested by a member of the public, the DNR will make reasonable efforts to ensure that the individual has the access they request. The following paragraphs describe key DNR roles and responsibilities in providing language access.

Language Access Coordinator

1. In compliance with federal requirements, the DNR Commissioner will designate a Language Access Coordinator (LA Coordinator) to advise and coordinate the DNR's efforts to serve people with LEP. The LA Coordinator's role is to:
2. Support the DNR Senior Management Team (SMT) in the oversight and implementation of the Language Access Plan.
3. Advise divisions and programs on the development and delivery of language access services and materials, and coordinate language access resources and materials across the agency.
4. Collaborate with entities that receive federal funds passed through the DNR (i.e., sub-recipients), to which Title VI applies, to ensure those sub-recipients satisfy their LEP requirements.
5. Assist with evaluating language access delivery across programs, divisions and regions.
6. Serve as a subject matter expert on language access and provide training and technical assistance to agency staff.
7. Coordinate review of the Language Access Plan and any accompanying policies at least every two years and update as needed.

Language Access Implementation Team

The DNR will also establish a cross-disciplinary team of liaisons from each division and region to serve as a Language Access Implementation Team to help identify, prioritize and address the language access needs of communities with LEP served by the DNR. Team activities will include:

1. Serving as a point of contact within divisions and regions regarding language access services.
2. Providing technical assistance on Plan provisions, including developing and implementing operating procedures and guidance.
3. Monitoring the effectiveness of the Plan and recommending future changes to the LA Coordinator.
4. Collaborating with the LA Coordinator in building mutually beneficial relationships with LEP communities.

The Civil Rights Coordinator

The Civil Rights Coordinator (CR Coordinator) is responsible for:

1. Receiving and coordinating the review and resolution of language access complaints.

Senior Management Team

The DNR's Senior Management Team is responsible for ensuring that elements of the Language Access Plan and accompanying work plans are incorporated into department work plans, and that staff and financial resources are available for implementation.

All DNR Employees

DNR employees are responsible for understanding their role in providing language access services to the public.

Sub-recipients of Federal Grants

Recipients of federal funds passed through the DNR operate under the same federal regulations as the DNR. The DNR has a responsibility to guide and work with sub-recipients to determine the extent of their responsibility in ensuring language access. This Plan does not govern organizations that make use of DNR space for non-DNR events.

DNR Staff Awareness and Training

DNR employees are expected to know their obligations to provide individuals with LEP with meaningful access to the department's services, programs and activities. To facilitate this, the LA Coordinator and Language Access Implementation Team will develop training to assist staff in understanding the needs and responsibilities for providing language access services. The more frequent the contact with individuals with LEP, the greater the need for in-depth training.

All employees must be aware of the DNR's Language Access Plan. DNR employees in management positions, even if they do not interact regularly with individuals with LEP, must be fully aware of and understand the Plan to reinforce the importance and ensure implementation of the Plan. The DNR will distribute the Language Access Plan electronically and provide training to ensure all staff are aware of the LEP policies and procedures. Staff awareness and training efforts will include:

- An all-staff e-learning offering on external civil rights obligations, including language access. This training will include information about the DNR's Language Access Plan, including policies and procedures for accessing language assistance services and DNR staff contacts for information relating to language access.
- Training in how to use language lines (phone interpretation) for staff who are likely to encounter people who speak languages other than English.

More specialized training will be provided to those who have a high degree of contact with individuals with LEP. This may include how to design programs with individuals with LEP in mind, information on how to most effectively work with interpreters and translators, and how to properly document information about an individual's language needs.

Determining the Need for Language Access Services: Four-Factor Analysis

As a recipient of federal financial assistance, the DNR is obligated to provide individuals with LEP meaningful access to agency programs, information and services. Given the varied activities and services of the DNR's divisions and offices, the type and frequency of contact and interaction with individuals with LEP varies. Each DNR division, with guidance from the Language Access Implementation Team, will provide direction, support and connections for building relationships within LEP communities to help ensure meaningful access to programs and activities.

The DNR's approach to providing this access must balance the four factors discussed below. The questions asked in the four-factor analysis and the information here can guide specific decisions about the provision of language access services and tools at the program, regional or divisional level. For example, the four-factor analysis considers how spoken languages vary across the state, and that some program information is of increased importance for individuals with LEP compared to other information. Language assistance measures should be based on what is necessary and reasonable after considering the four-factor analysis. The following paragraphs describe in more detail each component of the four-factor analysis.

1. The number or proportion of persons with LEP eligible to be served or likely to be encountered

Minnesota is home to diverse cultural communities—each with their own histories, characteristics and language needs. Levels of English language proficiency (and thus language assistance needs) vary widely. The size or provenance of a community does not necessarily correlate with the degree of language assistance needed, which is why detailed language use data is important for planning and prioritizing language assistance services.

Table 1 overviews Minnesota's primary cultural communities as defined by the Minnesota State Demographic Center. It provides information about each primary cultural community, including the size of the community, the percentage of individuals who were born outside of the United States, and the percentage with LEP. LEP is defined throughout this assessment as individuals over the age of five who self-identify as speaking English less than "very well."

Table 1. Summary Demographic Characteristics of Minnesota’s Cultural Communities

| Cultural Group | Broad Race or Ethnicity Group in Census Data | Percent Population | Number of People | Number of Households | Percent Foreign-born | Percent with Language Limitations (ages 5+) |
|---|---|---------------------------|-------------------------|-----------------------------|-----------------------------|--|
| Dakota | American Indian | 0.1% | 6,900 | 2,500 | 2% | 0% |
| Ojibwe | American Indian | 0.6% | 34,300 | 13,800 | 1% | 0% |
| Asian Indian | Asian | 0.8% | 43,000 | 15,700 | 67% | 4% |
| Chinese | Asian | 0.5% | 27,300 | 10,200 | 74% | 17% |
| Filipino | Asian | 0.2% | 11,500 | 3,500 | 80% | 4% |
| Hmong | Asian | 1.4% | 73,700 | 16,100 | 41% | 17% |
| Korean | Asian | 0.3% | 17,000 | 6,500 | 81% | 3% |
| Lao | Asian | 0.2% | 12,300 | 3,000 | 62% | 25% |
| Vietnamese | Asian | 0.5% | 29,600 | 8,700 | 66% | 23% |
| African-American | Black | 3.4% | 182,400 | 74,300 | 0% | 0% |
| Ethiopian | Black | 0.4% | 23,000 | 7,700 | 69% | 9% |
| Liberian | Black | 0.3% | 15,900 | 4,900 | 70% | 2% |
| Somali | Black | 0.9% | 48,800 | 14,800 | 59% | 20% |
| Mexican | Hispanic | 3.3% | 178,200 | 46,400 | 38% | 18% |
| Puerto Rican | Hispanic | 0.2% | 11,000 | 3,400 | 10% | 7% |
| Russian | White | 0.9% | 47,900 | 18,000 | 18% | 5% |
| White | White | 80.3% | 4,376,600 | 1,934,400 | 2% | 0% |
| <i>Other American Indian</i> | <i>American Indian</i> | <i>0.2%</i> | <i>12,600</i> | <i>5,600</i> | | |
| <i>Other Asian</i> | <i>Asian</i> | <i>0.6%</i> | <i>31,400</i> | <i>9,500</i> | | |
| <i>Other Black</i> | <i>Black</i> | <i>0.6%</i> | <i>30,000</i> | <i>14,700</i> | | |
| <i>Other Hispanic</i> | <i>Hispanic</i> | <i>1.2%</i> | <i>62,700</i> | <i>18,800</i> | | |
| <i>Other (including Pacific Islander)</i> | | <i>0.1%</i> | <i>7,400</i> | <i>2,200</i> | | |
| <i>Multiple cultural groups</i> | | <i>3.1%</i> | <i>167,500</i> | <i>35,000</i> | | |
| All Minnesotans | | 100% | 5,450,900 | 2,269,700 | 8% | 2% |

Language limitation defined as those who reported they speak English less than “very well.”

All data in this table come from the MN State Demographic Center’s 2018 [“Economic Status of Minnesotans”](#) Report.

Commonly spoken languages and prevalence of LEP households

According to the most recent estimates from the American Community Survey¹ (ACS), Minnesota’s population consists of 2.2 million households. Approximately 260,000, or nearly 12% of those households, primarily speak a language other than English at home. Over 50,000, or 2.4% of households, have limited English proficiency. Table 2 summarizes of the most common languages spoken in Minnesota homes based on American Community Survey (ACS) estimates and public-school enrollment data from the Minnesota Department of Education² (MDE).

Table 2. Summary of most common primary languages spoken in Minnesota households.

| Language group | 2015-2019 ACS 5-year Estimates | | MDE 2019-2020 Enrollment Data | | |
|------------------------------------|---|-------------------------------------|-------------------------------|--|--------------------------------|
| | Est. total number of households home primary language | Est. total number of LEP households | Language Name | 2019-2020 Home Primary Language Public School Enrollment | Percentage of total enrollment |
| Spanish | 82,811 | 15,716 | Spanish | 51,396 | 5.9% |
| Other Indo-European languages | 58,999 | 6,468 | Russian | 2,493 | 0.3% |
| Asian and Pacific Island languages | 64,568 | 14,507 | Hmong | 20,362 | 2.3% |
| | | | Karen | 4,418 | 0.5% |
| | | | Vietnamese | 3,923 | 0.4% |
| | | | Chinese, Mandarin | 2,508 | 0.3% |
| All other languages | 54,810 | 15,931 | Somali | 27,989 | 3.2% |
| | | | Arabic | 3,311 | 0.4% |
| | | | Oromo, Afan Oromo, Oromiffa | 2,581 | 0.3% |

¹ U.S. Census Bureau Public Use Microdata Tables, American Community Survey Table ID S1602, “[Limited English Speaking Households 2019: ACS 5-Year Estimates Subject Tables](#)” Accessed 1/13/2021.

² Minnesota Department of Education, MDE Data Center: Data Reports and Analytics, “[2019-2020 Primary Home Language Totals](#)” Accessed 1/06/2021.

Geographic distribution of LEP populations

By the most recent estimates of the ACS, there are 12 Minnesota counties with a prevalence of LEP populations at more than five percent of their total population or 1,000 people/400 households. Table 3 summarizes the total estimated number and percentage of households classified as LEP for these 12 counties.

Table 3. Summary of counties with greater than five percent or 400 LEP households, based on ACS 2019 five-year estimates.

| County name | Est. Total LEP households | Margin of error (MOE) Total LEP | Est. Percent LEP | MOE Est. Percent LEP |
|-------------|---------------------------|---------------------------------|------------------|----------------------|
| Hennepin | 18,804 | ±1038 | 3.7% | ±0.2% |
| Ramsey | 11,395 | ±746 | 5.5% | ±0.4% |
| Dakota | 4,421 | ±472 | 2.7% | ±0.3% |
| Anoka | 2,629 | ±315 | 2.1% | ±0.2% |
| Olmsted | 1,767 | ±314 | 2.8% | ±0.5% |
| Stearns | 1,476 | ±326 | 2.5% | ±0.6% |
| Scott | 1,209 | ±203 | 2.4% | ±0.4% |
| Mower | 1,149 | ±203 | 7.4% | ±1.3% |
| Washington | 1,019 | ±206 | 1.1% | ±0.2% |
| Nobles | 884 | ±196 | 11.0% | ±2.4% |
| Rice | 766 | ±185 | 3.3% | ±0.8% |
| Kandiyohi | 655 | ±188 | 3.9% | ±1.1% |

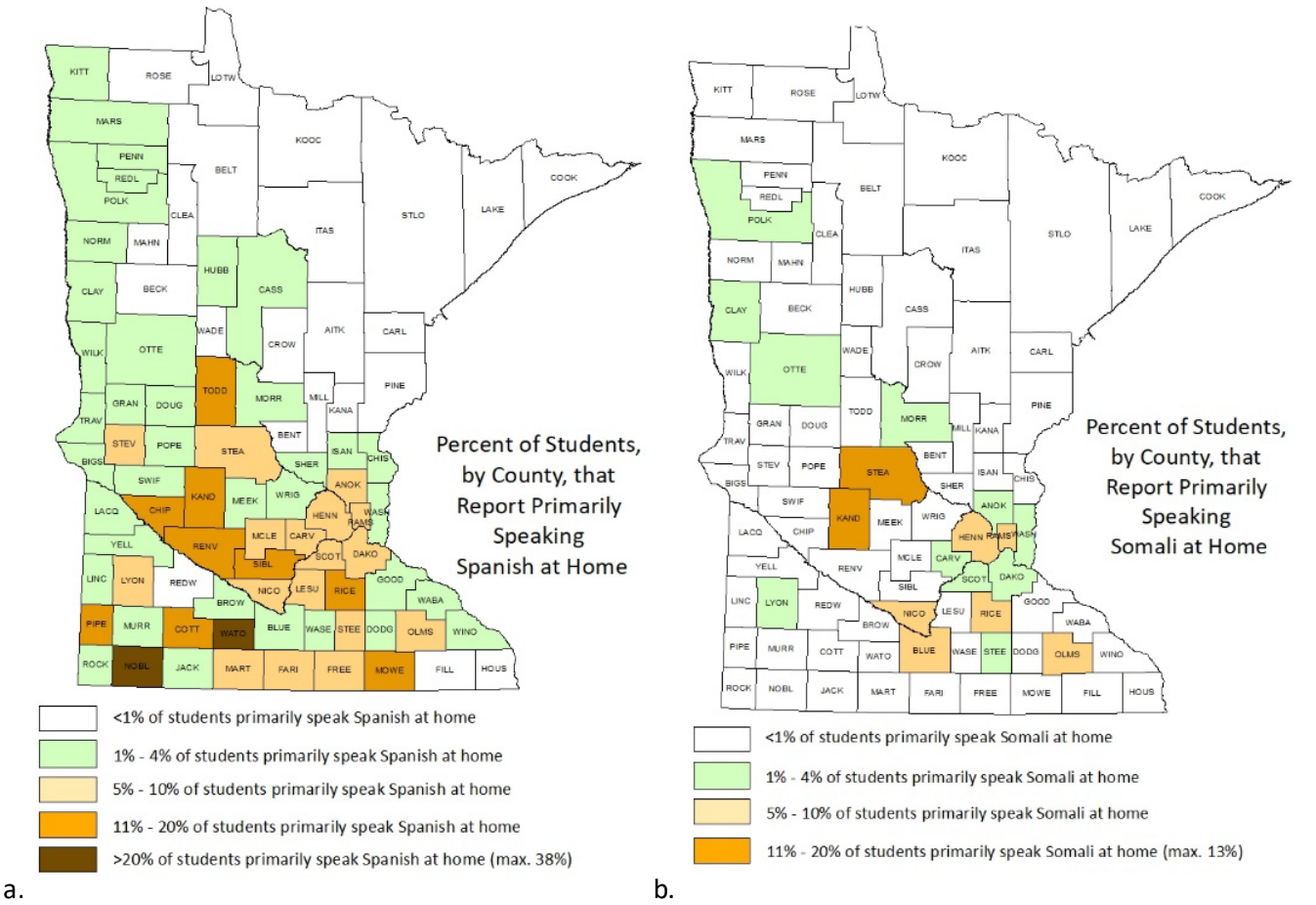
Table 4, below, shows the percentage of primary speakers (based on 2019-2020 MDE data³) and estimated percentage of speakers with limited English proficiency (based on ACS 2019 five-year estimates) for the five most common non-English languages spoken in Minnesota. This data shows the wide variation in the size of different language groups between counties, and also the wide variation in percentage of LEP speakers within each language group. Taken together, it provides a sense for how likely DNR programs and services will encounter individuals with LEP who may need language assistance services in each language group.

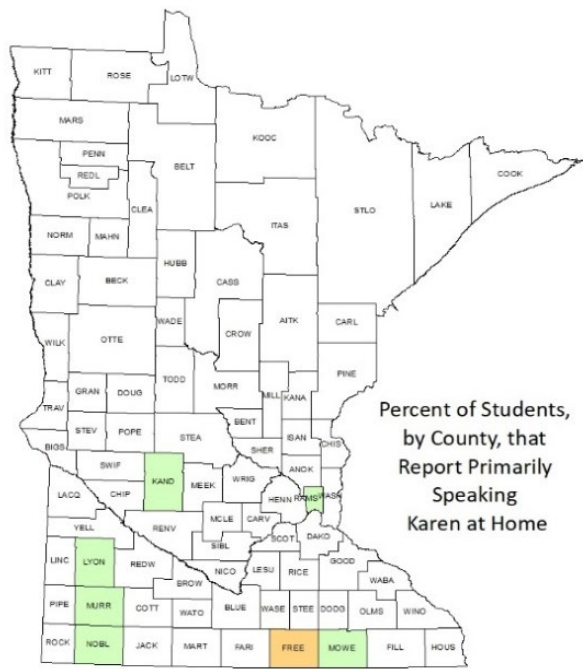
³ Data on the primary home languages of students enrolled in public schools collected by MDE identifies the size of LEP communities with school-age children enrolled in public schools by county but does not represent the county as a whole. A direct comparison of ACS estimates to MDE data for households whose primary language is Spanish (the only language group directly comparable between the two data sets) suggests that public school enrollment data from MDE tends to over-represent the Spanish-speaking population relative to findings based on representative samples of the entire county. It is unknown if this holds true for other language groups.

Table 4. County language summary describing estimated percentages of primary language speakers in each county and the percentage of those primary language speakers who are LEP for counties whose population is estimated as greater than five percent LEP or 400 LEP households.

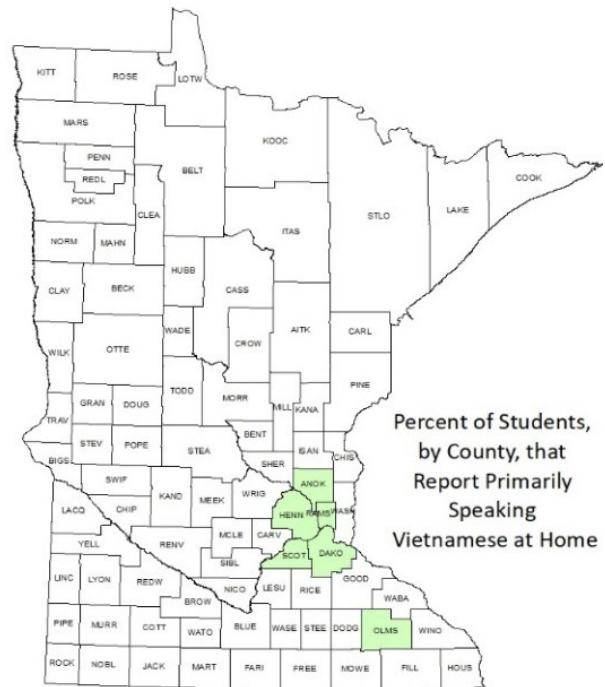
| County name | MDE Spanish % | ACS Spanish LEP % | ACS Spanish LEP % MOE | MDE Somali % | ACS Other LEP % | ACS Other LEP % MOE | MDE Hmong % | MDE Karen % | MDE Vietnamese % | ACS Asian LEP % | ACS Asian LEP % MOE |
|-------------|---------------|-------------------|-----------------------|--------------|-----------------|---------------------|-------------|-------------|------------------|-----------------|---------------------|
| Hennepin | 9.5% | 19.6% | ±2.1% | 6.3% | 31.0% | ±2.7% | 2.7% | 0.0% | 0.6% | 19.7% | ±1.8% |
| Ramsey | 7.5% | 23.1% | ±3.6% | 5.4% | 34.4% | ±4% | 13.3% | 3.8% | 0.6% | 30.5% | ±2.7% |
| Dakota | 7.8% | 17.3% | ±3.9% | 3.5% | 29.5% | ±5.6% | 0.3% | 0.0% | 0.8% | 18.4% | ±3.1% |
| Anoka | 5.6% | 18.8% | ±3.7% | 1.7% | 19.5% | ±4.4% | 2.8% | 0.0% | 1.1% | 16.2% | ±3.9% |
| Olmsted | 5.1% | 19.1% | ±8% | 4.8% | 29.0% | ±8.5% | 0.4% | 0.0% | 0.8% | 27.0% | ±5.1% |
| Stearns | 4.5% | 16.6% | ±5.7% | 13.3% | 48.4% | ±11% | 0.0% | 0.0% | 0.4% | 16.8% | ±8% |
| Scott | 4.8% | 17.2% | ±6.8% | 1.9% | 15.6% | ±10.3% | 0.1% | 0.0% | 1.1% | 18.3% | ±5.6% |
| Mower | 16.2% | 49.5% | ±9.7% | 0.0% | 62.0% | ±19.5% | 0.0% | 2.2% | 0.4% | 58.0% | ±17.4% |
| Washington | 2.7% | 10.9% | ±3.7% | 0.6% | 16.0% | ±6.9% | 2.2% | 0.0% | 0.5% | 9.8% | ±4.4% |
| Nobles | 37.7% | 41.0% | ±9% | 0.0% | 38.4% | ±35.7% | 0.0% | 3.0% | 0.2% | 35.0% | ±15.5% |
| Rice | 13.2% | 31.8% | ±10.1% | 9.8% | 46.9% | ±14% | 0.0% | 0.0% | 0.4% | 23.6% | ±14.9% |
| Kandiyohi | 16.7% | 16.4% | ±9.1% | 12.3% | 63.0% | ±24.8% | 0.0% | | | 64.2% | ±17.5% |

Figure 1 a-e. Maps of the geographic prevalence of the five most common non-English languages spoken at home by MN students (percentages only). See Appendix III for data table.

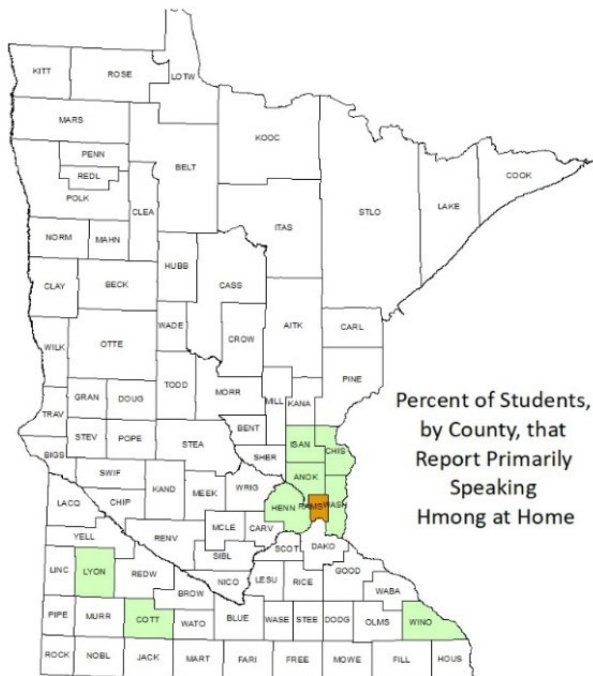




- c.
- <1% of students primarily speak Karen at home
 - 1% - 4% of students primarily speak Karen at home
 - 5% - 10% of students primarily speak Karen at home (max. 6%)



- d.
- <1% of students primarily speak Vietnamese at home
 - 1% - 4% of students primarily speak Vietnamese at home



- e.
- <1% of students primarily speak Hmong at home
 - 1% - 4% of students primarily speak Hmong at home
 - No counties reported 5%-10% of students primarily speaking Hmong at home
 - 11% - 20% of students primarily speak Hmong at home (max. 13%)

2. The frequency with which Individuals with LEP come in contact with the DNR

The DNR will assess, as accurately as possible, the frequency of contact with individuals with LEP seeking assistance. The information will be gathered by DNR staff who interact with community members on a regular basis. For example, the DNR's Information Center will continue to note when a caller requests information in another language. The need for language services will be based on:

- The frequency of staff contacts with a language group.
- The frequency with which individuals with LEP seek services from a program.
- The type of language services needed.

3. The nature and importance to people's lives of the program, activity, or service provided by the DNR

The DNR will, on an ongoing basis, prioritize which resources and materials to offer in languages other than English. Prioritization criteria will include:

1. Information that is critical for accessing federally funded services or benefits.
2. Situations where lack of information could have serious implications for the health or safety of individuals with LEP.
3. Documents or communications that are legally compulsory; situations where lack of information may result in civil or criminal penalties or that are part of law enforcement investigations.
4. Documents that could create other serious consequences to the individual if they do not understand the information.

For other types of communications, meaningful access requires an awareness of the program's existence. In many circumstances, lack of awareness of a program may deny individuals with LEP meaningful access. For example, lack of translated materials at a state park interpretive exhibit may prevent groups from learning about the natural and cultural features of an area. However, it would be nearly impossible to translate all DNR outreach materials into every language. Title VI does not require this of recipients of federal financial assistance, and Executive Order 13166 does not require it of federal agencies. It is important for the DNR to regularly assess the needs of eligible service populations to determine whether outreach materials should be translated and, if so, which materials should be translated.

4. The resources available to the DNR and the costs of language assistance.

The DNR's available resources and the costs of providing language assistance services may affect the steps taken to provide meaningful access to individuals with LEP. While language assistance efforts may be deemed unreasonable if the costs of providing assistance greatly exceed the benefits, the DNR will explore cost-effective means of delivering adequate and accurate language services before limiting services due to resource constraints. Divisions, programs and regions should document their analysis when asserting cost limitations as a reason to limit language assistance.

Collection of language preference information

To provide meaningful access to programs and services, it is essential that the DNR be able to identify the language needs of the individuals and the communities it serves.

Many methods can be used to help identify individuals with LEP, including:

- Outreach, engagement and relationship-building with stakeholders
- Coordination with partner organizations
- Reviewing data or information collected from prior interaction with individuals with LEP
- Analyzing relevant demographic information

The LA Coordinator and Language Access Implementation Team will also develop relationships that can assist the DNR as a whole.

DNR division directors must ensure their divisions keep detailed records of the LEP services they provide. Guidance on keeping records and the ensuing reporting will be provided by the LA Coordinator. This data can be used to help determine the level of LEP services needed, evaluate changes, and make appropriate recommendations to division leadership regarding resources needed to support language access.

The DNR prohibits discrimination in all its services and activities and will not use any information collected about individuals with LEP to discriminate against groups or individuals. In addition, the DNR will not treat immigration status as relevant in determining whether an individual is eligible for the LEP services outlined in this Plan.

Selecting Language Assistance Services

As noted above in the Four-Factor Analysis section, the DNR will take reasonable steps to ensure that vital documents are translated or interpreted into the languages of individuals with LEP affected by or most interested in the documents. The DNR will also take reasonable steps to ensure communication is conducted with the use of a qualified contract interpreter or translator, or a multilingual staff member.

Generally speaking, interpretation is used with spoken language in real time while translation focuses on written content. Both are strategies that may be used by the DNR to provide language access. The State of Minnesota has master contracts for language lines (phone interpretation), live interpretation and translation services.

When selecting which language assistance services to use, the DNR may consider cost and importance of information. For example, if it is cost- or time-prohibitive to translate a large volume of regulations, the DNR may use a language line as described below to ensure an individual with LEP is able to access the information in their primary language.

Some interactions that the DNR has with the public are very simple, such as the purchase of a park permit or a license check by a Conservation Officer. An interpreter may not be necessary in all cases, but staff who interact

with the public should provide notice that language access services are available and responsive to language access service requests.

Oral Interpretation

Interpretation involves 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. The DNR uses competent interpreters to provide effective services to individuals with LEP. Competent interpreters demonstrate:

- Proficiency in both English and the intended language.
- Training that includes the skills and ethics of interpreting.
- Fundamental knowledge in both languages of any specialized terms or concepts.
- Sensitivity to the stakeholder's culture.

The information below should be considered when it is necessary to use a language interpreter to provide meaningful access to a DNR program or service.

General considerations

1. **Document uses of interpreter.** DNR staff must always document when an interpreter is used or when a stakeholder makes use of another form of language assistance. When practical, this can be incorporated into standard record-keeping processes.
2. **Use in-person interpreter services, as needed.** If an interpreter is needed in-person rather than over the telephone, staff should arrange to have an interpreter available at a time and place that is convenient for both the interpreter and the stakeholder.
3. **Verify stakeholder identity.** Before releasing case-specific or private information, DNR staff must verify the identity of the stakeholder. Multilingual staff, language line services, staff or vendors providing interpretation or translation services through contracts with the state may assist DNR staff in making verifications.
4. Interactions with individuals with LEP may happen in remote areas with either limited access to phone or in-person interpreters. DNR employees should ascertain whether follow-up is needed and whether it can happen later with language assistance.

Interpreter Resources

As much as possible, staff should use interpreter services to reduce costs and increase speed service delivery:

DNR multilingual staff – DNR managers may refer individuals with LEP to a multilingual staff who speaks their language if such staff are present and available in that program area.

Telephone interpreter services (Language Line) – Language line services provide telephone interpretation in over 200 languages, 24-hours a day, seven days a week. Staff should use language line services when multilingual staff is not available, when the language is one not commonly encountered at the DNR, or when staff is not sure what language a person speaks. The DNR is charged on a per-minute basis for use of this

interpreter service. DNR staff should familiarize themselves with the language line services interpreting process before they use it.

In-person, contracted interpreter services – The Minnesota Department of Administration maintains a statewide master contract for spoken language interpretation and related services. Vendors on the [Spoken Language Interpreting and Related Services Statewide master contract](#) were selected through an extensive Request for Proposal (RFP) process. The vendors offer document translation, audio and video production services, and other translation-related services. Services, rates, and turnaround time vary by vendor and the urgency of the request. These vendors must adhere to a code of conduct and proficiency standards. The DNR must have a data sharing agreement in place with contractors to share private or confidential information. DNR staff who want to have a document translated or to create a translated script and audio or videotape should contact their divisional purchasing contact.

Relying on Family, Friends, or Minor Children as Interpreters

The following are considerations for situations where an individual with LEP wishes for a friend or family member to provide interpretation for them:

- Protection of confidentiality and accuracy of interpretation should always be of highest concern, particularly if the interaction concerns topics that may involve potential violations of law or negatively affect eligibility for services.
- Always offer free interpreter services, as an individual with LEP may not be aware of the availability of interpreter services.
- If an individual with LEP prefers to have a family member or friend serve as an interpreter, ask if the individual will allow a trained interpreter to listen in to ensure accuracy of interpretation. If family or friends are interpreting, follow-up calls or letters should be done by multilingual staff, language line services staff or contractors.
- Avoid relying on minor children as interpreters. They should not be used in situations where rights or access to critical services could be impacted.
- DNR multilingual staff or contracted interpreters are preferred in situations where an individual with LEP must answer complicated or detailed questions. Multilingual staff or contracted interpreters must be used in circumstances when an individual with LEP is giving information that may negatively affect their eligibility for services, including deadlines or certifications, or when there is a potential violation of the law.
- If private information will be disclosed, please refer to the requirements of the Minnesota Government Data Practices Act.

Written Translation

The DNR must make proactive efforts to translate both vital and non-vital documents and communications. Vital documents include program applications; consent and complaint forms; and license and permit applications/notices and notices about reduction, denial, or termination of services/benefits and the right to appeal such actions.

Programs should consider the four-factor analysis, such as the number and location of LEP populations and languages spoken. With respect to non-vital documents intended for public outreach or a broad audience, each division and program office should translate where a significant percentage of the population is served or affected by the offices' actions.

While not technically a document, signs are a significant method for the DNR to communicate information to the public. Signs can be used to provide directions, health and safety information, notice of rules and regulations or information of historical or cultural importance. Pictorial messages can be used to convey information to people who speak different languages and may be more effective for certain directional and safety signage.

It is recommended that programs identify their priorities for translating documents on a yearly basis based on tailoring the agency four-factor analysis contained in this plan to their program. The following are additional considerations for written translation:

- Many DNR programs and services are open to or serve everyone in the State of Minnesota and beyond. For programs that are more specific in eligibility, consideration for when to provide written translations may be calculated as a percentage of the eligible population.
- It may not be possible to translate all documents. The DNR may need to determine the priority of materials to be proactively translated or whether the information is conveyed orally. The DNR may also consider groups who are the most likely users of DNR programs and services. For example, some immigrant communities have strong hunting and fishing cultures and others may not.
- Translation of documents can also be provided orally.

Safe Harbor for Written Translations

The U.S. Department of Interior (DOI) has provided guidance for recipients of federal funding in determining when to provide written translations of vital documents. They have referenced the U.S. Department of Justice's (DOJ) guidance, which designates the safe harbor for providing written translations. These safe harbor provisions only apply to the translations of written documents and do not affect the requirement to provide meaningful access to individuals with LEP through competent oral interpreters where oral language assistance services are needed and reasonable.

The following actions are considered strong evidence of compliance with the DNR's written translation obligations:

- The DNR provides written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered, or
- If there are fewer than 50 persons in a language group that reaches the five percent threshold as described in the preceding paragraph, the DNR provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of vital written materials, free of cost.

The failure to provide written translations under the circumstances outlined in the safe harbor does not mean there is noncompliance. Rather, this information is intended as a guide for greater certainty of compliance than can be provided by a four-factor analysis. Generally, it is not necessary to translate vital documents when it would be so burdensome as to defeat the legitimate objectives of a program. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, may be acceptable under such circumstances.

Information Privacy Protection/Data Privacy Protection

Minimum necessary access to data

The DNR and its contractors must comply with the “minimum necessary” access and disclosure standards set forth in the Minnesota Government Data Practices Act (MGDPA). The dissemination of private or confidential information is limited to “that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government.” See Minnesota Statutes, Section 13.05, subd. 3.

Duty to ensure proper handling of data

The DNR is responsible for training employees who are authorized to access and use the data collected.

The DNR and its contractors are responsible for training employees who are authorized to collect, access, use, maintain and disseminate the data collected under the terms, and for the purposes specified in the contract and data sharing agreement. This responsibility includes ensuring that staff is properly trained regarding:

- The Minnesota Government Data Practices Act (MGDPA), Minnesota Statutes Chapter 13.
- Any other applicable state and federal statutes, rules, and regulations affecting the collection, storage, use and dissemination of private or confidential information.

The DNR and its contractors must:

- Not use or further disclose the information other than as permitted or required by law.
- Use appropriate safeguards to prevent improper use or disclosure of the information by its employees and contractors.
- Appropriately respond to any known or suspected improper use or disclosure of protected information as required by the Data Breach Administrative Policy.
- Ensure that any agents, analysts and others to whom it provides private or confidential data agree to be bound by the same restrictions and conditions that apply to them with respect to such information. At termination of any contract, extend the protections of the contract to the information collected during the contract.

Monitoring/Evaluation

The DNR will evaluate the Plan every other year to determine its overall effectiveness. The LA Coordinator and the Language Access Implementation Team will coordinate this evaluation. The evaluation will include:

- Assessment of current LEP populations in the state.
- Assessment of whether existing language assistance services are meeting the needs of individuals with LEP.
- Estimation of the number of encounters with individuals with LEP.
- Assessment of whether staff members understand DNR's LEP policies and procedures and how to carry them out.
- Assessment of available resources.
- Feedback about the effectiveness of the DNR's Language Access Plan from communities with LEP, including users, community organizations and advocates.

The DNR will update the Plan as needed, based on the above assessment.

Complaint Process

The DNR has a complaint resolution procedure to resolve civil rights-related/discrimination-related disputes and complaints. Complaints can be sent to Minnesota DNR, 500 Lafayette Road, St. Paul, MN 55155-4049 or AAOdiversity.DNR@state.mn.us.

Appendices

Appendix I: Definition of Terms

Civil Rights Coordinator - Representative of the DNR responsible for understanding and maintaining compliance with Title VI of the Civil Rights Act of 1964, including limited English proficiency requirements.

Four-factor analysis – A flexible and fact-dependent standard that balances the following four factors: 1. the number or proportion of LEP persons served or encountered in the eligible service population; 2. the frequency with which individuals with LEP come in contact with the program; 3. the nature and importance of the program, activity or service provided by the recipient; and 4. the resources available to the recipient and costs.

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 (source language) into another (target language).

Language Access – Efforts by the DNR to make its programs and services accessible to individuals who are not proficient in English.

Language Access Coordinator – Representative of the DNR responsible for coordinating all aspects of the Language Access Plan for the DNR to ensure meaningful access is available to individuals with LEP.

Language Assistance Services – Oral and written language services needed to help individuals with LEP communicate effectively with staff and ensure meaningful access to, and equal opportunity to fully participate in, the programs and activities administered by the department.

Language Block – A block of text that informs readers, in different languages, how they can get free help interpreting the information on a particular document. It may be included as an insert in appropriate documents.

Language Identification Card – Language identification cards determine which language a person speaks. It provides information in various languages that an individual can point at and identify which language they need. The language identification card can feature languages most frequently encountered in Minnesota.

Language Access Implementation Team – A cross-disciplinary team of liaisons from each division and region to help identify, prioritize and address the language access needs of communities with LEP served by the DNR.

Language Line – Language line provides phone interpretation services to individuals who have questions about DNR services and functions.

Limited English Proficient (LEP) individual – Any individual whose primary language is not English, and who has a limited ability to speak, read, write or understand the English language well enough to allow him/her to interact effectively in English. Individuals with LEP 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 communications that ensure individuals with LEP have access to DNR programs and activities.

Multilingual Staff Member – A department staff member who has demonstrated proficiency in both English and at least one other language and has cultural knowledge sufficient to translate.

Notification – Proactively informing individuals with LEP that they are entitled to DNR services, programs and activities.

Primary language – The language in which an individual most effectively communicates.

Program or Activity – This includes programs and services that are available to or interface with the public, including access to public lands, law enforcement, educational programs and permits and licenses.

Qualified Interpreter – An individual who provides interpretation services at a level of fluency, comprehension, impartiality and confidentiality appropriate to the nature, type and purpose of the information being interpreted.

Timely – Language assistance provided at a time and place that avoids the effective denial of the service, benefit or right at issue, or the imposition of undue burden on or delay in important rights, benefits or services to individuals with LEP.

Translation – The replacement of written text of one language (source language) with the equivalent message in another language (target language).

Translator – An individual who conveys written text from one language (source language) into the equivalent message in another language (target language).

Vital Documents or Information – Paper or electronic written material that contains information that is critical for accessing the DNR’s programs, activities and services, or contains information about procedures or processes required by law, such as consent forms, applications and notices of rights. Classification of a document as “vital” depends upon the importance of the program, information, encounter, or service involved, and the consequence to the individuals with LEP if the information in question is not provided accurately or in a timely manner.

Appendix II: Notice of Right to Language Assistance

The DNR must provide information that will permit individuals with LEP to know about their right to free and timely language services as it relates to DNR information, services and programs. Notification may be provided in a variety of ways, including but not limited to:

- The DNR's website and other digital communications channels.
- Signage in relevant areas, such as park visitor centers or DNR office lobbies.
- Language identification cards carried by Conservation Officers.
- Language assistance posters in public areas and where staff work with individuals with LEP.
- Invitations to public meetings or hearings.
- Community and media publications tailored to individuals with LEP.
- Communications to community organizations, governmental entities, and interested individuals using tools such as GovDelivery.

DNR language block and multilingual referral lines

The language block is a block of text that informs readers how they can get free help with translating the information on a particular document. The language block may be either incorporated into the document (the preferred method) or included as an insert. Language block information will be maintained by the LA Coordinator and be available on the DNR intranet. Each division should review its documents that are designed for the public at least annually to determine if language blocks are needed, appropriate and current.

Appendix III: Primary Language Spoken in the Home for 2019-2020 School Year

| County name | Spanish % | Somali % | Hmong % | Karen % | Vietnamese % |
|-------------|-----------|----------|---------|---------|--------------|
| Aitkin | 0% | 0% | 0% | 0% | 0% |
| Anoka | 6% | 2% | 3% | 0% | 1% |
| Becker | 0% | 0% | 0% | 0% | 0% |
| Beltrami | 0% | 0% | 0% | 0% | 0% |
| Benton | 0% | 0% | 0% | 0% | 0% |
| Big Stone | 2% | 0% | 0% | 0% | 0% |
| Blue Earth | 2% | 5% | 0% | 0% | 0% |
| Brown | 3% | 0% | 0% | 0% | 0% |
| Carlton | 0% | 0% | 0% | 0% | 0% |
| Carver | 5% | 1% | 0% | 0% | 0% |
| Cass | 0% | 0% | 0% | 0% | 0% |
| Chippewa | 11% | 0% | 0% | 0% | 0% |
| Chisago | 1% | 0% | 1% | 0% | 0% |
| Clay | 1% | 2% | 0% | 0% | 0% |
| Clearwater | 0% | 0% | 0% | 0% | 0% |
| Cook | 0% | 0% | 0% | 0% | 0% |
| Cottonwood | 11% | 0% | 4% | 0% | 0% |
| Crow Wing | 0% | 0% | 0% | 0% | 0% |
| Dakota | 8% | 3% | 0% | 0% | 1% |
| Dodge | 4% | 0% | 0% | 0% | 0% |
| Douglas | 1% | 0% | 0% | 0% | 0% |
| Faribault | 5% | 0% | 0% | 0% | 0% |
| Fillmore | 0% | 0% | 0% | 0% | 0% |
| Freeborn | 8% | 0% | 0% | 6% | 0% |
| Goodhue | 3% | 0% | 0% | 0% | 0% |
| Grant | 1% | 0% | 0% | 0% | 0% |
| Hennepin | 10% | 6% | 3% | 0% | 1% |
| Houston | 0% | 0% | 0% | 0% | 0% |
| Hubbard | 2% | 0% | 0% | 0% | 0% |
| Isanti | 1% | 0% | 1% | 0% | 0% |
| Itasca | 0% | 0% | 0% | 0% | 0% |
| Jackson | 2% | 0% | 0% | 0% | 0% |

| County name | Spanish % | Somali % | Hmong % | Karen % | Vietnamese % |
|-------------------|-----------|----------|---------|---------|--------------|
| Kanabec | 0% | 0% | 0% | 0% | 0% |
| Kandiyohi | 17% | 12% | 0% | 2% | 0% |
| Kittson | 1% | 0% | 0% | 0% | 0% |
| Koochiching | 0% | 0% | 0% | 0% | 0% |
| Lac qui Parle | 3% | 0% | 0% | 0% | 0% |
| Lake | 0% | 0% | 0% | 0% | 0% |
| Lake of the Woods | 0% | 0% | 0% | 0% | 0% |
| Le Sueur | 8% | 0% | 0% | 0% | 0% |
| Lincoln | 1% | 0% | 0% | 0% | 0% |
| Lyon | 7% | 3% | 1% | 4% | 0% |
| McLeod | 8% | 0% | 0% | 0% | 0% |
| Mahnomen | 0% | 0% | 0% | 0% | 0% |
| Marshall | 2% | 0% | 0% | 0% | 0% |
| Martin | 6% | 0% | 0% | 0% | 0% |
| Meeker | 3% | 0% | 0% | 0% | 0% |
| Mille Lacs | 0% | 0% | 0% | 0% | 0% |
| Morrison | 1% | 1% | 0% | 0% | 0% |
| Mower | 16% | 0% | 0% | 2% | 0% |
| Murray | 2% | 0% | 0% | 1% | 0% |
| Nicollet | 7% | 6% | 0% | 0% | 0% |
| Nobles | 38% | 0% | 0% | 3% | 0% |
| Norman | 2% | 0% | 0% | 0% | 0% |
| Olmsted | 5% | 5% | 0% | 0% | 1% |
| Otter Tail | 4% | 2% | 0% | 0% | 0% |
| Pennington | 1% | 0% | 0% | 0% | 0% |
| Pine | 0% | 0% | 0% | 0% | 0% |
| Pipestone | 13% | 0% | 0% | 0% | 0% |
| Polk | 3% | 4% | 0% | 0% | 0% |
| Pope | 1% | 0% | 0% | 0% | 0% |
| Ramsey | 7% | 5% | 13% | 4% | 1% |
| Red Lake | 1% | 0% | 0% | 0% | 0% |
| Redwood | 0% | 0% | 0% | 0% | 0% |
| Renville | 13% | 0% | 0% | 0% | 0% |
| Rice | 13% | 10% | 0% | 0% | 0% |

| County name | Spanish % | Somali % | Hmong % | Karen % | Vietnamese % |
|-----------------|-----------|----------|---------|---------|--------------|
| Rock | 2% | 0% | 0% | 0% | 0% |
| Roseau | 0% | 0% | 0% | 0% | 0% |
| St. Louis | 0% | 0% | 0% | 0% | 0% |
| Scott | 5% | 2% | 0% | 0% | 1% |
| Sherburne | 1% | 0% | 0% | 0% | 0% |
| Sibley | 14% | 0% | 0% | 0% | 0% |
| Stearns | 5% | 13% | 0% | 0% | 0% |
| Steele | 7% | 4% | 0% | 0% | 0% |
| Stevens | 8% | 0% | 0% | 0% | 0% |
| Swift | 4% | 0% | 0% | 0% | 0% |
| Todd | 14% | 0% | 0% | 0% | 0% |
| Traverse | 1% | 0% | 0% | 0% | 0% |
| Wabasha | 3% | 0% | 0% | 0% | 0% |
| Wadena | 0% | 0% | 0% | 0% | 0% |
| Waseca | 4% | 0% | 0% | 0% | 0% |
| Washington | 3% | 1% | 2% | 0% | 0% |
| Watsonwan | 36% | 0% | 0% | 0% | 0% |
| Wilkin | 2% | 0% | 0% | 0% | 0% |
| Winona | 4% | 0% | 1% | 0% | 0% |
| Wright | 2% | 0% | 0% | 0% | 0% |
| Yellow Medicine | 3% | 0% | 0% | 0% | 0% |

Yellow = 1-5% of homes

Green = More than 5% of homes