



United States Department of Agriculture
Natural Resources Conservation Service

Limited English Proficiency (LEP)

**Fiscal Year (FY) 2014 LEP PLAN
for
Federally Conducted Programs**

This plan provides direction and conveys policy and procedures to be followed by NRCS personnel when assisting Limited English proficient persons of all USDA Federally conducted programs and activities.

Helping People Help the Land
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I. Purpose

This plan is geared toward fulfilling requirements of sections 2 and 4 of Executive Order 13166, DR 4330-005, and subsequent guidance from the U.S. Department of Justice (DOJ) on requirements for Federal agencies under Title VI of the *Civil Rights Act of 1964*. The overall objective of this plan is to take reasonable steps to ensure persons with Limited English Proficiency (LEP) gain meaningful access to NRCS services, federally conducted programs, and activities.

II. Policy

NRCS will take reasonable steps to ensure that persons with LEP have meaningful access and an equal opportunity to participate in our services, activities, programs, and other benefits. The policy of NRCS is to ensure meaningful communication with LEP persons and their authorized representatives involving their request for services and support. The policy also provides for communication of information contained in vital documents, including, but not limited to program participation applications, and financial forms. All interpreters, translators, and other aids needed to comply with this policy shall be provided without cost to the person being served, and they will be informed of the availability of such assistance free of charge.

Guidance and resources in this action plan are given to assist NRCS staff in fulfilling commitment and adherence to the objective accomplishment of the plan. Language assistance will be provided through use of competent bilingual staff, staff interpreters, contracts, or formal arrangements with local organizations providing interpretation or translation services, or technology and telephonic interpretation services.

NRCS will conduct a review of the language access needs of our customers and annually update and monitor the implementation of this plan. All staff will be provided notice of this plan. Staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter. Failure to provide meaningful access to LEP persons may be a violation of this policy.

III. Authorities

- Title VI 1964 Civil Rights Act "*No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.*" 42 U.S.C. § 2000d.
- Executive Order 13166 "Improving Access to Services by Persons with Limited English Proficiency." Issued on August 11, 2000, by former President William Clinton. 7 C.F.R. 15d, Nondiscrimination in Programs or Activities Conducted by the United States Department of Agriculture.
- U.S. Department of Justice, Policy Guidance Document, "Enforcement of Title VI of the Civil Rights Act of 1964–National Origin Discrimination Against Persons with Limited English Proficiency" (65 FR 50123-50125).

- Departmental Regulation 4330-003; Nondiscrimination in USDA Conducted Programs and Activities.
- Departmental Regulation 4330-005 “Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency in Programs and Activities Conducted by USDA”.

IV. Definitions/Key Terms

1. Agency – A major program organizational unit of the Department with delegated authorities to deliver programs, activities, benefits, and services.
2. Agency Head – Departmental Under Secretaries, Deputy Under Secretary, Directors, Chiefs, and Administrators within the Office of the Secretary who receive delegated authority under 7 C.F.R. Agency Heads report to and receive their delegated Authorities from Under or Assistant Secretaries as Prescribed in 7 C.F.R.
3. American English – A set of dialect/language used mostly in the United States.
4. Bilingual – The knowledge and ability to understand, read, and write fluently in two languages easily.
5. Discrimination – The unfavorable treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person belongs rather than on individual merit.
6. Federally Conducted Program – Aside from employment, there are two major categories of federally conducted programs or activities covered: (1) those involving general public contact as part of ongoing agency operations and (2) those administered for program beneficiaries and participants.
7. Interpretation – Listening to communication in one language and orally converting it to another language while retaining the same meaning.
8. Language Access – Efforts by an agency or organization to make its programs and services accessible to individual who are not proficient in English.
9. Language Assistance Services – Interpretation or translation services that assist LEP persons in understanding or communicating in another language.
10. Limited English Proficiency Person – An individual who does not speak English as his or her primary language and have a limited ability to read, speak, write or understand English.
11. Qualified Interpreter – An individual who provides interpretation services at a level of fluency, comprehension, impartiality, and confidentiality appropriate to the specific nature, type, and purpose of the information being interpreted.
12. Translation - The process of transferring ideas expressed in writing from one language to another.
13. Translator – A person who converts language into an alternative form of communication so it is understandable to persons who communicates differently.
14. Vital Document - Paper or electronic written material that contains information that is critical for accessing a program or activity, or is required by law, such as consent forms, applications, and notices of rights.

V. Scope

Agency staff will be responsible for ensuring that the respective organizational area provides language assistance to LEP persons. NRCS' staff will share guidance given in the action plan with agency partner organizations such as the Soil & Water Conservation Districts. Action items and resources in the plan are given to assist NRCS staff to apply DOJ's four-factor framework for determining an appropriate mix of language assistance. Information in the action plan is USDA policy, directive in nature for NRCS, and used for reporting requirements.

VI. Background of LEP Plan Requirements Pursuant to DOJ LEP Guidance, and DR 4330-005

On August 11, 2000, former President William J. Clinton issued Executive Order 13166 that was entitled, "Improving Access to Services by Persons with Limited English Proficiency." The overall objective of EO 13166 is to improve individuals with LEP access to federally conducted and federally assisted programs and activities. The DOJ LEP Guidance also provides agencies with a framework to assess agencies' LEP service.

The aforementioned Executive Order requires each Federal agency to prepare and implement a plan to improve LEP persons access to their respective federally conducted and federally assisted programs and activities. It was mandatory that each plan be consistent with the standards set forth in the DOJ's Policy Guidance Document entitled, "Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency" ("DOJ LEP Guidance"), reprinted at 65 FR 50123 (August 16, 2000). The DOJ LEP Guidance advises each Federal agency on the most appropriate steps agencies should take to ensure meaningful access by LEP individuals to information and services the agency provides.

In FY 2009, NRCS published and issued under national bulletin to all employees, its LEP Handbook. Recommendations and resources in the handbook were provided to assist NRCS staff to apply DOJ's four-factor analysis framework for determining an appropriate mix of language assistance. Information in the handbook was advisory in nature for NRCS staff, but did not identify mandated required action items or reporting requirements as it was not deemed pursuant to any USDA policy.

In June 2013, Departmental Regulation (DR) 4300-005 established the policies and procedures for ensuring that persons with LEP have meaningful access to programs and activities conducted by USDA pursuant to Executive Order 13166.

VII. Background/NRCS Mission

'HELPING PEOPLE HELP THE LAND'

NRCS draws on a long history of helping people help the land. For more than 75 years, NRCS and its predecessor agencies have worked in close partnerships with farmers and ranchers, local and State governments, and other Federal agencies to maintain healthy

and productive working landscapes. On April 27, 1935 Congress passed Public Law 74-46, in which it recognized that "the wastage of soil and moisture resources on farm, grazing, and forest lands... is a menace to the national welfare" and established the Soil Conservation Service (SCS) as a permanent agency in the USDA. In 1994, SCS's name was changed to the Natural Resources Conservation Service to better reflect the broadened scope of the agency's concerns. In doing so, Congress reaffirmed the Federal commitment to the conservation of the Nation's soil and water resources, first made 75 years ago, that continues to this day.

VIII. NRCS Conducted Programs

Synopsis/Purpose/Beneficiaries/Operations of the Conducted Programs:

NRCS' Title VI federally recognized Conducted Programs are named in the Catalog of Federal Domestic Assistance (CFDA). The primary purpose of the CFDA is to assist users in identifying programs that meet specific objectives of the potential applicant, and to obtain general information on Federal assistance programs. In addition, the intent of the CFDA is to improve coordination and communication between the Federal Government and State and local governments.

The NRCS programs selected for inclusion in the Federal assistance data base are defined as any function of a Federal agency that provides assistance or benefits for a State or States, territorial possession, county, city, other political subdivision, grouping, or instrumentality thereof; any domestic profit or nonprofit corporation, institution, or individual, other than an agency of the Federal Government.

A "Federal domestic assistance program" may in practice be called a program, an activity, a service, a project, a process, or some other name, regardless of whether it is identified as a separate program by statute or regulation. It will be identified in terms of its legal authority, administering office, funding, purpose, benefits, and beneficiaries. "Assistance" or "benefits" refers to the transfer of money, property, services, or anything of value, the principal purpose of which is to accomplish a public purpose of support or stimulation authorized by Federal statute. Assistance includes, but is not limited to grants, loans, loan guarantees, scholarships, mortgage loans, insurance, and other types of financial assistance, including cooperative agreements; property, technical assistance, counseling, statistical, and other expert information; and service activities of regulatory agencies. It does not include the provision of conventional public information services.

Listed below are NRCS' Title VI federally Conducted Programs which reflect the most recent Farm Bill legislation:

Voluntary Public Access and Habitat Incentive Program (VPA-HIP) - The Voluntary Public Access and Habitat Incentive Program (VPA-HIP) is authorized by Section 1240R of the Food Security Act of 1985. VPA-HIP provides, within funding limits, grants to State and Tribal Governments to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting and fishing under programs administered by State and Tribal Governments. VPA-HIP is not an entitlement program and no grant will be made unless the application is acceptable to the Commodity Credit

Corporation (CCC). The Secretary of Agriculture originally delegated administration of the program to the Administrator, Farm Service Agency (FSA). The program is now delegated to the Chief of NRCS, and NRCS seeks to use the same regulation that FSA promulgated with a minor update to the regulation to reflect the new delegation.

Agricultural Management Assistance Program (AMA) - Provides financial and technical assistance to agricultural producers to voluntarily address issues such as water management, water quality, and erosion control by incorporating conservation into their farming operations. Producers may construct or improve water management structures or irrigation structures; plant trees for windbreaks or to improve water quality; and mitigate risk through production diversification or resource conservation practices, including soil erosion control, integrated pest management, or transition to organic farming.

Environmental Quality Incentive Program (EQIP) - EQIP is a voluntary nationwide program implemented under the general supervision and direction of the Chief of NRCS, under the borrowing authority of the Commodity Credit Corporation (CCC). EQIP is available in any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands. The purpose of the program is to promote agricultural production, forest management, and environmental quality as compatible goals, and to optimize environmental benefits. Through EQIP, NRCS provides financial and technical assistance to eligible farmers and ranchers to address soil, water, and air quality, wildlife habitat, surface and groundwater conservation, and related natural resource concerns. EQIP's financial and technical assistance help producers comply with environmental regulations and enhance agricultural and forested lands in a cost-effective and environmentally beneficial manner. The purposes of the program are achieved by implementing conservation practices. .

The Conservation Stewardship Program – The Food, Conservation, and Energy Act of 2008 established the CSP to replace the Conservation Security Program. CSP is a voluntary nationwide program implemented under the general supervision and direction of the Chief of the NRCS, under the borrowing authority of the Commodity Credit Corporation (CCC). CSP is available in any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands. Through CSP, NRCS provides financial and technical assistance to participants for the conservation, protection, and improvement of soil, water, and related natural resource concerns. The purpose of CSP is to encourage producers to address resource concerns in a comprehensive manner by undertaking additional conservation activities, and improving, maintaining, and managing existing conservation activities.

Healthy Forests Reserve Program Background – HFRP is authorized by Title V of the Healthy Forests Restoration Act of 2003 (Pub. L. 108–148). HFRP restores and enhances forest ecosystems through the purchase of a conservation easement and implementation of a forest restoration plan in order to: (1) promote the recovery of threatened and endangered species, (2) improve biodiversity, and (3) enhance carbon sequestration. In addition to permanent and 30-year easements, HFRP offers an additional enrollment

option to Indian tribes to enroll “acreage owned by Indian tribes” through a 30-year contract.

Agricultural Conservation Easement Program – The Agricultural Act of 2014 (the 2014 Act) consolidated the Wetlands Reserve Program (WRP), the Farm and Ranch Lands Protection Program (FRPP), and the Grassland Reserve Program (GRP) into a single Agricultural Conservation Easement Program (ACEP). The consolidated easement program has two components – an agricultural land easement component and a wetland reserve easement component. The agricultural land easement component is patterned after the former FRPP with GRP’s land eligibility components merged into it. Land previously enrolled in the three contributing programs is considered enrolled in the new ACEP.

Regional Conservation Partnership Program (RCPP)

RCPP is a new regional program that furthers the conservation, restoration, and sustainable use of soil, water and wildlife on a regional scale. It also encourages partners to cooperate with producers by providing assistance through partnership agreements and program contracts or easement agreements. This program combines and replaces the purposes and functions of the: Agricultural Water Enhancement Program (AWEP), Chesapeake Bay Watershed Program (CBWP), Cooperative Conservation Partnership Initiative (CCPI) and the Great Lakes Basin Program for Erosion and Sediment Control.

IX. LEP 4 Factor Analysis

During FY 2014, in establishing its’ LEP plan, NRCS will review the total of circumstances, including the following four factors in determining whether to provide language services to LEP customers: (1) the number or proportion of LEP persons served in the eligible service population; (2) the frequency with which LEP persons come in contact with our services; (3) the nature and importance of the services, programs or activities provided; and (4) the resources or the costs involved.

Factor 1: Determine the Number and Proportion of LEP Persons Served or Encountered in the Service Area.

Deputy Chief for Programs (Outreach Division) will:

- Identify demographic information regarding foreign languages predominantly spoken in the NRCS service area by utilization of the U.S. Census, school systems, community organizations, local government data, and AgCensus data. (Submit findings to NRCS Civil Rights Division)

Civil Rights Division will:

- Develop and distribute guidance to State Conservationists on the data collection process, utilizing the *Template for Record of Contact with LEP Individuals* as given in the below **Figure 1**, to examine experiences and contacts with LEP individuals, and determine the breadth and scope of language services that are needed.

- Analyze the data and information received during FY 2014, and coordinate plan development to secure specific translator services needed to support efficient LEP service support to the contact groups.
- Examine and analyze demographic information regarding foreign languages predominantly spoken in the NRCS service area.

State Conservationists will:

- Develop consolidated State listing of concentrated LEP groups in the State/Field service areas.
- Record contact with LEP individuals using the below template and report on a bi-annual basis the contact information to the NRCS Civil Rights Division.

Figure 1: Template for Record of Contact with LEP Individuals

Date	Name of PO Intake Staff	Language of the Individual	Type of Language Assistance Provided	Form of Communication
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Factor 2: Determine The Frequency with Which LEP Individuals Come into Contact with NRCS Programs, Activities, and Services.

State LEP Coordinators will:

- Track and monitor field office LEP contact information and consolidate it into a state-wide LEP Report.
- Analyze the data and information received during FY 2014, and coordinate plan development to secure specific translator services needed to support efficient LEP service support to the contact groups.

Factor 3: Determine The Importance to LEP Persons of NRCS Programs, Activities, and Services.

NRCS Chief will:

- Issue the NRCS LEP Policy Statement.

Civil Rights Division will:

- Identify the programs, services, or activities that would have a serious consequence if language barriers prevented LEP person's access to them. For example, a serious consequence may apply to areas that are responsible for providing critical information that regarding NRCS' federally conducted programs.
- Make a determination as to the impact on actual and potential services to LEP beneficiaries. For example, if an LEP individual in a respective service area did not understand and/or have knowledge of the NRCS' Environmental Quality Incentives Program, and the soil on the individual's property was eroding due to water runoff retardation; this may lead to critical change such as flooding and threaten the property and safety of individuals living on an adjoining property. This type of impact would be prolonged if the individual is LEP and the service area is not equipped or prepared to handle an LEP individual.

Chief of Staff/Chief Information Officer will:

- Implement an agency LEP Web page and link that addresses the NRCS LEP Plan's protocol and frequently asked questions or concerns.

Deputy Chief for Management/National Employee Development Center will:

- Administer virtual LEP training to all NRCS employees and new employees; and include LEP fact sheet for new employees as part of on-boarding package.

Factor 4: Determine the Resources Available to the Recipient and Costs. (This last step in the four-factor analysis allows an area to weigh the demand for language assistance against the organization's current and projected financial and personnel resources).

Regional Conservationist/State Conservationist:

- Carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.
- Determine the costs associated with translating documents, contracting with language interpreters, producing pictographs, installing multilingual technology, and other language assistance measures needed.

X. Roles and Responsibilities (See attached Action Timeline)

NRCS Chief (Agency Head):

- (1) Ensure that an NRCS LEP Plan is developed and submitted to OCPTCT according to Section 7.b. of DR 4330-005 within 180 days of the issuance of the DR.
- (2) Issue NRCS policy to all employees emphasizing LEP service support and requirements.
- (3) Submit a copy of the updated written plan annually to OCPTCT.

- (4) Ensure adequate financial funding is available to ensure effective and efficient LEP translator services.

Civil Rights Division:

- (1) Coordinate Agency planned activities.
- (2) Monitor, track, evaluate, and update action items geared towards enhanced service support to LEP persons. (Implementation and Compliance)
- (3) Fulfill reporting requirements.

National LEP Program Coordinator:

- (1) Coordinate implementation of the NRCS LEP Plan Agency wide.
- (2) Assist states in identifying critical data and information in order to establish prioritization for translations.
- (3) Develop tools for evaluating effectiveness of the NRCS LEP Plan, compliance with LEP protocol for accessing interpretive services, and obtaining partner, customer, and community input regarding the overall effectiveness of the Limited English Proficiency Plan.
- (4) Work with NRCS Staff to identify LEP resource needs within the Agency.
- (5) Serve as the Agency's central point of contact to address compliance concerns from LEP populations.
- (6) Participate in the annual evaluation/up-date of the Agency LEP Plan to ensure adherence and goal attainment.

Deputy Chief for Programs/Outreach Division:

- (1) Identify demographic information regarding foreign languages predominantly spoken in the NRCS service area by utilization of the U.S. Census (Submit findings to CRD).

Deputy Chief for Management/National Employee Development Center

- (1) Administer a virtual (AgLearn) LEP training module for NRCS employees and new employees.
- (2) Include LEP fact sheet in new employees' on-boarding package.

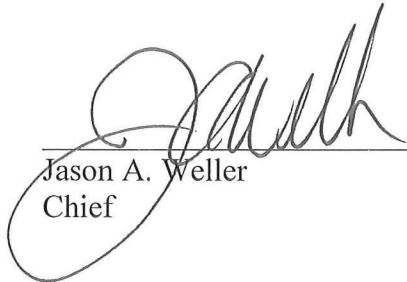
NRCS State Conservationists/State LEP Coordinators:

1. Track, monitor, and report number of contacts and description of quality services provided to LEP persons.
2. Bi-annual reporting of the above responsibility to the CRD.
3. Identify critical data and information in order to establish prioritization for translator services and other LEP resource needs within the State.
4. Serve as the central point of contact to address compliance concerns from LEP populations within State service area.

NRCS subordinate units (employees):

- (1) Complete required LEP training in a timely manner.
- (2) Adhere to NRCS LEP Policy statement and Plan to ensure that LEP persons are provided meaningful access to USDA conducted programs and activities.
- (3) Refer to Final Guidance regarding the Title VI Prohibition against National Origin Discrimination Affecting Persons with LEP for policy and implementation by USDA federally assisted programs on the ASCR Web site.

This Plan is subject to review and updates.



Jason A. Weller
Chief

5/23/14
DATE



Fred Reaves
Acting Director for Civil Rights

5/28/14
DATE