

DEPARTMENT OF FISH AND GAME

2013 Language Access Plan

I. Introduction

The Department of Fish and Game (“DFG”) has prepared this Language Access Plan (“LAP”), which defines the actions to be taken by the various Offices and Divisions of DFG to ensure meaningful access to DFG services, programs and activities on the part of persons who have limited English proficiency. DFG will review and update, on a biannual basis, this LAP in order to ensure continued responsiveness to community needs and compliance with the Executive Office for Administration and Finance (“ANF”) Administrative Bulletin #16.

II. Purpose

The purpose of this plan is to ensure clients of DFG meaningful access to services, programs and activities although they may be limited in their English language proficiency.

DFG is committed to this LAP as the appropriate response to meeting our clients’ needs. The LAP is consistent with the requirements of Administrative Bulletin #16 as promulgated by the Executive Office of Administration and Finance.

Consistent with the guidance of ANF Administrative Bulletin #16, a Limited English Proficient (“LEP”) person is someone who is not able to speak, read, write or understand the English language at a level that allows him/her to interact effectively with DFG staff. A client maintains the right to self-identify as a LEP person.

III. Agency Description

DFG is comprised of the Office of the Commissioner (“Commissioner’s Office), the Division of Fisheries and Wildlife (“DFW”), the Division of Marine Fisheries (“DMF”), the Division of Ecological Restoration (“DER”) and the Office of Fishing and Boating Access (“FBA”). DFG is charged with stewardship responsibility over the Commonwealth’s marine and freshwater fisheries, wildlife species, plants and natural communities. DFG conserves and restores the state’s rivers, streams, lakes, ponds, wild lands, and coastal waters through programs of research, restoration, and land protection. In addition, DFG issues licenses and registrations for hunting, trapping, inland and marine fishing as well as promotes recreational uses of the state’s public lands and waters consistent with its mission.

IV. Language Access Plan:

Approach: DFG is committed to fully implementing this LAP, subject to the availability of fiscal and staff resources. The LAP is consistent with the Language Access Guidelines of ANF Administrative Bulletin #16 and represents DFG’s administrative blueprint to provide meaningful access to DFG services, programs and activities on the part of LEP individuals. As described in more detail below, this LAP outlines the tasks DFG, its Divisions and Offices will undertake to meet these objectives.

(1) **Agency Language Access Coordinator:** Johanna M. Zabriskie, Human Resources Director, Department of Fish and Game, 251 Causeway St., Suite 400, Boston, MA 02114. 617-626-1599. Johanna.Zabriskie@state.ma.us

(2) Action Steps

a. DFG Language Access Needs Assessment:

i. Summary of Services and Functions of DFG’s Divisions and Offices:

1. Division of Fisheries and Wildlife (“DFW”) manages the Commonwealth’s inland fisheries and wildlife resources including issuance of hunting and fishing licenses, administering the Hunter Education Program and protection of state-listed rare species.
2. The Division of Marine Fisheries (“DMF”) manages marine fisheries resources including commercial and recreational marine fishing activities.
3. The Office of Fishing and Boating Access (“FBA”) constructs facilities that provide access by the public for fishing and boating activities in the Commonwealth.
4. The Division of Ecological Restoration (“DER”) provides technical assistance for river and wetland restoration projects in the Commonwealth.
5. The Office of the Commissioner (“Commissioner’s Office”) oversees and provides administrative services to DFG and its divisions and offices.

ii. Data Currently Available on LEP Constituents Served by DFG:

DFG notes at the outset that based on the information currently available to it, no LEP language groups that access its services, programs and activities meet or exceed the 5% threshold provided for in the ANF Administration Bulletin #16.

However, this Plan establishes means by which information on LEP individuals will continue to be tracked and monitored for accuracy, and the manner in which DFG will provide assistance to LEP individuals in language groups from 1% to 5% where feasible based on available resources.

1. Based on the 2006-2008 American Community Survey 3-Year Estimates by the U.S. Census Bureau, the following percentages of LEP individuals greater than 1% of the total population have been identified for Bristol, Essex, Hampden, Middlesex, Norfolk, Suffolk and Worcester Counties respectively. **See Attachment 1.**
 - a. Bristol County
 - i. Spanish: 1.5%
 - ii. Portuguese: 5.45%
 - b. Essex County
 - i. Spanish: 6.15%
 - c. Hampden County
 - i. Spanish: 5.74
 - d. Middlesex County
 - i. Spanish: 1.92%
 - ii. Portuguese: 1.59%
 - iii. Chinese: 1.1%
 - e. Norfolk County
 - i. Chinese: 1.58%
 - f. Suffolk County
 - i. Spanish: 8.10%
 - ii. Portuguese: 1.90%
 - iii. Chinese: 1.71%
 - g. Worcester County
 - i. Spanish: 3.38%
2. Information on distribution of LEP constituents obtained for development of this Plan through consultation with DFG staff.
 - a. **DFW:** DFW manages the Commonwealth's inland fisheries and wildlife. The greatest number of DFW's constituency is comprised of sportsmen and women who hunt and fish. While greater than 5% of citizens in the Commonwealth in a number of counties are Spanish speaking LEPs, according to DFW's January 27, 2007 Language Assistance Strategy, only 2% and 7% of Hispanics hunt and fish respectively. **See Attachment 2.** Moreover, a survey conducted of DFW personnel in 2007 showed that of the thousands of inquires received annually only 10 were from LEPs. **See Attachment 2.**

- b. DMF: DMF manages the Commonwealth’s marine fisheries resources including commercial fishing. Based on a recent survey of DMF staff, the following LEPs have been encountered at the respective DMF offices.
 - i. *Gloucester*: Italian and Vietnamese speaking LEPs in need of assistance filling out commercial fishing permit applications and catch reports.
 - ii. *Boston*: Vietnamese, Russian and Chinese speaking LEPs in need of assistance filling out commercial fishing permit applications and catch reports.
 - iii. *New Bedford*: Portuguese and Korean speaking LEPs in need of assistance filling out commercial fishing permit applications and catch reports.
- c. DER: Based on a recent survey of DER staff, no LEPs have been encountered.
- d. FBA: Based on a recent survey of FBA staff, no LEPs have been encountered. However, LEPs who FBA is not aware likely utilize FBA facilities.
- e. Commissioner’s Office: Based on a recent survey Commissioner’s Office staff, LEP constituents are rarely encountered.

3. Data from the Office of Public Health Strategy and Communications Language Audience Guides (“Guide”):

The Guide was accessed from the Massachusetts Office of Refugee and Immigrants website. See Attachment 3. The data is consistent with the above information. Specifically, the Guide shows that the top three languages other than English spoken in the Commonwealth are Spanish, Portuguese and Chinese. The geographic distributions of each in descending order are as follows:

- a. Spanish: Boston, Lawrence, Worcester, Springfield, Lynn, Chelsea, Holyoke, Lowell, New Bedford and Fitchburg.
- b. Portuguese: Fall River, Framingham, New Bedford, Somerville, Everett, Lowell, Boston, Marlborough, Peabody and Milford.
- c. Chinese: Boston, Quincy, Newton, Malden, Lexington, Brookline, Acton, Randolph, Worcester, and Shrewsbury.

4. Means for Continued Tracking of LEP Constituents Served by DFG

- a. U.S. Census data
- b. Data collected by the Massachusetts Office for Refugee and Immigrants
- c. All DFG Divisions and Offices will provide Language Identification

- d. Flashcards which invite LEP constituents to identify their language needs. Staff will be required to provide these cards to LEPs and keep on file for tracking purposes as well as for use in assisting LEP individuals. These Language Identification Cards were developed by the U.S. Census Bureau. See Attachment 4.
- e. DFG staff that are points of contact for the public will be required to track and report in writing to the LAP Coordinator all interactions with LEP individuals.
- f. DFG will examine whether to include a voluntary option for constituents to self-identify as LEP individuals on applications for hunting and fishing licenses including the electronic database, *MassFishHunt*.

iii. Common Points of Contact between DFG and LEP Constituents

- 1. DFW: Applications for hunting and fishing licenses, the Hunter Education Program, and the website.
- 2. DMF: Applications for commercial and recreational fishing licenses, filing of catch reports, and website.
- 3. FAB: The FAB rarely interacts directly with the public. However, signs placed at FAB facilities and pamphlets are indirect points of contact.
- 4. DER: Interactions with the public arise out of river restoration projects. The DER rarely if ever interacts directly with LEP individuals.
- 5. Commissioner's Office: Contact with the public in general most often arises out of telephone inquiries and website.

b. Language Resources Assessment:

i. DFW:

- 1. Applications for Hunting and Fishing Licenses: Because of assistance from bilingual staff in the Boston Office, the limited number of LEPs who hunt or fish and the straight forward information required for completing a hunting or fishing license, DFW has determined that translation of these applications has not been necessary. However, it will continue to track and monitor LEP individuals requesting applications and the manner in which they were provided assistance.

2. Outreach and Education: DFW's Information and Education Public Outreach staff will make it a priority to work with LEP individuals to determine the best means possible for ensuring that they have access to DFW programs and activities.
3. Hunter Education: DFW's Hunter Education Program currently provides the course manual and handouts in Spanish as requested. It will determine the cost for providing the lecture portion of the class in Spanish and will provide a Spanish interpreter as necessary, subject to available fiscal and staff resources.
4. Translation of Hunting and Fishing Abstracts: DFW will examine the costs associated with translating its Hunting and Fishing Abstracts into Spanish for posting on its website. It will then determine whether it is feasible based on fiscal and staff resources to proceed with translation. If so, the printed English version will contain notice in Spanish of the translation and its location on the DFW website. The Massachusetts Office for Refugees and Immigrants ("MRI") will be consulted.
5. Professional Language Translation Services: DFW will continue to utilize qualified vendors currently approved for Foreign Language Translation and Phone Translation Services, on a case by case basis as necessary, subject to available fiscal and staff resources.

ii. DMF:

1. Applications for Licenses: DMF will continue to provide assistance to LEP individuals for completing commercial and recreational fishing licenses applications, and catch reports as reasonably as possible, subject to available fiscal and staff resources. DMF will consult with the MRI when considering translation of applicable documents into Spanish, Portuguese, Chinese, Vietnamese or Korean to ensure effectiveness.
2. Signage: DMF will examine the cost for having important signs such as closed shell-fish areas translated into appropriate languages based on location and the frequency in which LEPs are expected to be encountered.
3. Website Information: DMF will examine the cost of having certain information on its website such as "plain language summaries" of regulations or important notices translated into various languages such as Spanish, Portuguese and Chinese.

4. Hiring Bilingual Staff: DMF will request that bilingual applicants apply when hiring personnel who are to have direct contact with the public.
5. Recreational Fishing: DMF will examine the cost associated with providing notice at its offices and on its website in applicable languages of the new requirement, effective January 1, 2011 that recreational marine fisherman must obtain a license to fish in coastal waters.
6. Professional Language Translation Services: DMF will utilize qualified vendors currently approved for Foreign Language Translation and Phone Translation Services on a case by case basis as necessary, subject to available fiscal and staff resources.

iii. FBA:

1. Signage: FBA will determine on a case by case basis, subject to available fiscal and staff resources whether certain signs at FBA facilities should be translated.
2. Professional Language Translation Services: FBA will utilize qualified vendors currently approved for Foreign Language Translation and Phone Translation Services on a case by case basis as necessary, subject to available fiscal and staff resources.

iv. DER:

1. Signage: DER will determine on a case by case basis, subject to available fiscal and staff resources whether certain signs at DER river and wetland restoration projects should be translated.
2. Professional Language Translation Services: DER will utilize qualified vendors currently approved for Foreign Language Translation and Phone Translation Services on a case by case basis as necessary, subject to available fiscal and staff resources.

v. Commissioner's Office:

1. Professional Language Translation Services: the Commissioner's Office will utilize qualified vendors currently approved for Foreign Language Translation and Phone Translation Services on a case by case basis as necessary, subject to available fiscal and staff resources.

2. Website: The Commissioner's Office will examine the cost and necessity, subject to fiscal and staff recourses for various types of information on the Commissioner's Office website to be translated.

vi. **Bilingual Staff**: A small number of DFG staff speak Spanish, Portuguese and Chinese. These staff have on a number of occasions provided assistance to LEPs in the form of assisting with filing of applications and answering questions.

vii. Available Community-based resources:

1. DFG will consult with MRI for guidance on community resources as necessary.

(3) Language Service Protocols:

a. In the event that DFG staff is unable to provide necessary assistance to an LEP individual, the LAP Coordinator and chief fiscal officer for the appropriate division shall be consulted to identify the specifics of the request, available translation or interpretation resources, and authorize expenditure subject to available fiscal and staff resources.

(4) Vital Document Translation:

a. As stated above, the DFG will consider translation of the following types of documents, subject to available fiscal and staff recourses for LEP languages that the DFG encounters on a frequency of 1% to 5%. The languages identified are Spanish, Portuguese and Chinese. The following documents are considered vital for the purposes of this LAP:

- i. Hunter Education Materials
- ii. Hunting and Fishing Abstracts
- iii. Plain Language Summaries of Rules and Regulations
- iv. Important Informational Notices on DFG websites (Including the new requirement that recreational marine fishermen must obtain a license from DMF in order to fish in the coastal waters.)
- v. Signage

(5) Website Content:

a. DFG will examine the cost associated with translating certain types of information contained at its websites into Spanish such as "plain language" summaries of rules and regulations, hunting and fishing abstracts and other information notices or information as necessary, and subject to available fiscal and staff recourses.

(6) DFG, through its LAP Coordinator, will seek guidance from the MRI prior to translation of documents or website information.

(7) Stakeholder Consultations:

- a. DFG did not consult any stake-holders in the development of this initial version of the LAP. However, as the LAP progresses, and additional data is obtained on LEP language groups that access or seek to access the programs, activities and services of DFG, it will do so as necessary.

(8) Staff Training:

- a. All DFG staff will be provided a copy of the LAP, including newly hired staff. Staff that frequently encounter the public will be provided additional guidance on the use of Language Identification Cards and the requirement that they report in writing to the LAP Coordinator all interactions with LEP individuals, and a one page summary of the protocol for assisting LEP individuals.

(9) Notice to Public.

- a. A notice that language translation services are available will be conspicuously posted in Spanish at all DFG offices. The notice will also be posted on the websites of all DFG divisions and offices. In addition, if a DFG division or office determines that there is a significant number of LEP individuals whom speak a language other than Spanish in a particular region, the notice will also be posted in that language in the applicable office. Finally, DFW's Information and Education Public Outreach Program will make it a priority to provide information to LEPs to assist them in accessing DFW programs, activities and services.

(10) Agency Monitoring:

- a. DFG will track and monitor interactions with LEP individuals as described above. In addition, the LAP coordinator will provide a summary report to the Commissioner on a biannual basis regarding implementation and effectiveness of this LAP, including any recommended amendments after consultation with the divisions and offices. In addition, the LAP Coordinator will be available to staff for assistance with tracking and monitoring. Each division and office will assign an individual who will be responsible for working with the LAP Coordinator to ensure that the LAP is implemented as required including providing necessary input on the biannual report to be submitted to the Commissioner.

(11) Complaints:

- a.** In the event that a person wishes to file a complaint regarding an alleged violation of this LAP, he/she should file a complaint within 6 months of the alleged denial with the LAP Coordinator. A complaint may also be filed with the Office of Access and Opportunity, which will refer the matter to the DFG LAP Coordinator for response and/or redress. In the event the complaint cannot be resolved at DFG, the Office of Access and Opportunity will see to resolve the complaint. **See Attachment 5.**

Mary B. Griffin, Commissioner
Date:

Richard K. Sullivan, Secretary
Date:

Attachment 5
Language Access Complaint Procedure
(To be included as an attachment to LAP)

You may file a complaint with the Agency Language Access Coordinator or the Office of Access and Opportunity if you believe you have been denied the benefits of this Plan. You must file your complaint within 6 months of the alleged denial. You must file a written complaint. To file a complaint with the Language Access Coordinator, submit the written complaint to:

Name of Language Access Coordinator
Agency Name
Business Address
City, MA Zip
Email Address:

To file a complaint with the Office of Access and Opportunity, please submit the written complaint to the attention of:

Office of Access and Opportunity
Executive Office of Administration and Finance
State House, Room 373
Boston, MA 02133
Email Address: Ronald.Marlow@state.ma.us