USDA Departmental Regulation 4300-4, Civil Rights Impact Analysis (CRIA) requires a CRIA be conducted to brief leadership on potential civil rights impacts and possible mitigation strategies as a result of the proposed Limited English Proficiency Plan and the Policy’s implementation across the Forest Service; at the Washington Office, the Regions, the Research Stations and the Area. The CRIA has concluded that the proposed action would improve program delivery and communication mechanisms to protected groups, and not likely to result in adverse and disproportionate impacts to protected groups within the workforce, or the U.S. Population served by the Agency. Additionally, the CRIA recommends actions that can eliminate, alleviate, or mitigate any potential adverse and disproportionate impacts on protected groups, facilitating equitable program delivery to all communities served by the Agency.
Prepared by:                                      Date: __________
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Reviewed by:                                     Date: __________
Robin Kilgore
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Reviewed by:                                     Date: __________
Ted G. Gutman
Director – Office of Civil Rights

Recommended by:                                  Date: __________
Lenise Lago
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Recommended by:                                  Date: __________
Mary Wagner
Associate Chief, USDA Forest Service

Approved by:                                     Date: __________
Tom Tidwell
Chief, USDA Forest Service
A. The Proposed Action

The USDA Forest Service is issuing the Proposed Limited English Proficiency Plan (LEP). The Plan establishes Forest Service policy for taking reasonable steps to provide limited English proficiency individuals and communities with meaningful access to all Agency conducted programs, services, and activities. The Forest Service LEP Plan guides employees to ensure that persons who have limited English proficiency have meaningful access to Agency programs and activities. Key authorities requiring the LEP Plan include:

- Executive Order (EO) 13166, Improving Access to Services for Persons with Limited English Proficiency,
- EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The Forest Service must determine whether programs, policies, and activities have disproportionately high or adverse human health or environmental effects on minority and low-income populations; and to improve access to meetings and information.
- USDA Departmental Regulation (DR) 4330-005, June 4, 2013, Prohibition against National Origin Discrimination Affecting Persons with Limited English Proficiency in Programs and Activities Conducted by the USDA.
- USDA DR 4300-003, Equal Opportunity Public Notification Policy
- USDA DR 4330-003, Nondiscrimination in Conducted Programs and Activities
- USDA DR 4360-001, Communicating with Underserved Communities
- 7 Code of Federal Regulation (CFR) 15d, Nondiscrimination in Programs or Activities Conducted by the U.S. Department of Agriculture
- USDA Forest Service Environmental Justice and National Environmental Policy Act (NEPA) Guide - For addressing EJ in NEPA, consistent with USDA Departmental Regulations, the Council on Environmental Quality’s (CEQ) EJ Guidance Under the National Environmental Policy Act, and Executive Order 12898 - EJ.

The Forest Service, in accordance with the Plan, establishes the necessary LEP infrastructure and support mechanisms, operations effectiveness measures, tools, education/training, directives and budget. The Forest Service builds management and staff competencies supporting their roles and responsibilities with respect to eliminating barriers for LEP individuals/communities. The Plan outlines the agency’s phased approach to implement actions over the next five years.

The LEP policies, procedures and responsibilities implemented apply to each Forest Service Deputy Area programs and staff, including contractors acting on behalf of the Forest Service. The Forest Service LEP Plan will be implemented at the Washington Office (WO), the Regions, the Research Stations and the Area (RSA) organizational levels and monitored for effectiveness and updated annually. The Agency’s language and public notification services will be provided to the public at no cost/charge.
Limited English proficient individuals are individuals who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English. Language can be a barrier to LEP individuals and communities attempting to access important information, benefits or services, and understand/exercise important rights, or comply with applicable instructions necessary to receive government services. The top six nationally prominent languages spoken by LEP persons are Spanish, Chinese, Vietnamese, Korean, Tagalog, and Russian. These six languages were the most commonly spoken languages in the U.S. where the language group spoke English less than “well,” based on ACS’s multi-year data for 2006-2010. Refer to Appendix 1 - Languages Spoken by LEP Individuals Nationwide and by US State: Number of Total State Population.

USDA Forest Service Outreach with LEP Individuals/Communities:
The following outreach and information/communication activities are being considered to ensure employee training is accomplished; LEP customers are notified of the Forest Service LEP Plan, and available language services:

- Post on Agency’s website;
- Post signs in intake areas and other entry points;
- Use a telephone voice mail menu to provide information about available language assistance services and how to get them;
- Include notices in local and ethnic media;
- Provide notice about Forest Service language assistance services in prominent languages understood by LEP persons;
- State in outreach documents and signs that language services are available from the Agency;
- Forest Service Deputy Area program offices will implement specific public outreach strategies/initiatives.
- Work with community-based organizations and other stakeholders to inform LEP individuals of the Agency’s program services and the availability of language assistance services;
- The Forest Service will continue to implement Government-to-Government relations, consulting with Tribes when implementing national and local conducted programs, and roll-out of the Forest Service LEP Plan.

B. Analysis of Adverse Impacts on Groups and Protected Classes

The proposed Forest Service LEP Plan and associated directives would set national policy that is anticipated to result in positive impacts to LEP individuals and communities, and Deputy Area employees, programs and activities. Any anticipated impacts of implementing the proposed Forest Service LEP Plan at the national and RSA levels are based on the premise that the phased action strategies and support systems proposed by the LEP Plan would increase the effectiveness of conducted program delivery, and reduce the potential for adverse impacts on groups and protected classes.

Forest Service conducted programs and staff affected by the actions identified in the Forest Service LEP Plan are presented at the Forest Service intranet web, at
http://fsweb.wo.fs.fed.us/stafflist/. The agency will utilize specific measures for evaluating operational effectiveness.

Actual implementation of the proposed Forest Service LEP Plan is accomplished through existing conducted program staff and customer service procedures, including planning and implementation procedures established through law, regulation, and policy. The Forest Service LEP Plan would not change any established procedures. Proposed Forest Service LEP Plan implementation activities are accomplished by agency employees, contractors, special use permit holders, and other agents through existing authorizing procedures and instruments, including contracts, grants, agreements, and permits. Those authorizing procedures, e.g., Federal Acquisition Regulations (FAR) have non-discrimination requirements.

C. Review the Policy, Program, or Activity to Determine:

1. **Whether it contains any requirement related to eligibility, benefits, or services that may have the purpose or effect of excluding, limiting, or otherwise disadvantaging any group or class of persons on one or more prohibited bases.**

   The proposed Forest Service LEP Plan is anticipated to not exclude, limit, or otherwise disadvantage any group or class of persons, LEP individuals or communities. The proposed Forest Service LEP policy is expected to affect agency personnel, contractors, or other procurement policies and procedures during the short term, until fully operational and funded, and the training of conducted program staff and recipients has been accomplished.

   The proposed Forest Service LEP Plan and directives would provide broad national LEP policy, definitions, and principles to help guide conducted program planning, implementation, and monitoring at the local RSA level. LEP policy enables consistent application and effectiveness in providing language access, the utilization of established language systems/services and monitoring.

   At the local level, the integration of Forest Service LEP Plan policy will ensure affected communities are informed about conducted programs and activities, and public participation opportunities. Language access mechanisms, resources and services established by LEP policy would facilitate engagement of LEP communities in the Forest Service mission and benefits. And to resolve potential civil rights/social impacts (and language access issues/barriers), including impacts on tribes, minorities, women, persons with disabilities, and low-income and socially disadvantaged communities.

   Agency personnel, partners, cooperators, other stakeholders, and the American public at large will benefit from consistent and uniform understanding and application of Forest Service LEP Plan policy/procedures/language support systems. The proposed LEP Policy would foster better understanding and collaboration among LEP interests/stakeholders.
2. Whether the extent to which each group or class of persons may be affected potentially, positively or negatively.

The proposed Forest Service LEP Plan’s phased implementation approach is expected to result in positive affects to LEP individuals and communities. Improvements in conducted program communication to external customers are anticipated, including program eligibility, benefits, or services.

The LEP Policy is expected to enhance meaningful participation of affected LEP/Environmental Justice communities in the Agency’s land management planning decision-making processes, improve the Agency actions and reduce the potential for adverse impacts. In addition, LEP Policy would improve the Agency’s ability to communicate, engage and build relationships with LEP/EJ communities’ long term; and assist leadership in anticipating impacts by proposed programs or project activities.

LEP Policy would provide an opportunity for FS employees and the affected populations to work together under existing regulations and procedures to avoid or minimize impacts; and ultimately the translation/interpretation of vital documents, information, web sites and communication formats.

D. Analyze relevant numerical and non-numerical data and information to determine if there are significant differences in potential civil rights impacts among groups or classes of persons.

The Proposed Forest Service LEP Policy is expected to result in positive impacts on LEP customers nation-wide. **Table 1 - U.S. Population Demographics by Race, Sex, National Origin and Disability** (Source: 2010 Census) shows the distribution of demographically diverse populations served and/or potentially affected by Forest Service conducted program access barriers, and the proposed LEP policy procedures and support systems access. The LEP and Environmental Justice communities found within the U.S. population are affected by the agency’s conducted programs, including Tribes, women, persons with disabilities, and low income and socially disadvantaged customers.

The associated prominent languages would be identified through local analytical procedures and guidance provided in the LEP Policy, and based on the existing RSA conducted program service area. Forest Service conducted programs would be affected by the actions identified in the proposed LEP Policy. Conducted programs are subject to integration of LEP requirements and measures for evaluating operational effectiveness among Deputy Area programs.

Implementation of the Forest Service LEP Plan is expected to result in all members of the public receiving equal access to Agency information, and timely routine customer services opportunities, including their participation in public meetings, local decisions, strategies, reports, technical assistance, and products.
American Indians/Alaska Natives

American Indians and Alaska Natives (AI/AN) historically have utilized the National Forest System lands for subsistence and a wide range of cultural and spiritual purposes, including hunting, fishing and gathering of forest products. Tribal communities communicate in traditional languages. As noted, in the USDA’s December 2012 report on sacred sites, the Forest Service’s ability to address AI/AN concerns regarding the protection of sacred sites and broader trust responsibilities of the Forest Service begin with understanding and respect of individual and tribal community’s uses of a specific land area and language(s) to communicate. Early and meaningful tribal consultation is vital to the Forest Service for understanding these values.

Table 1 - U.S. Population Demographics by Race, Sex, National Origin and Disability
(Source: 2010 Census)

<table>
<thead>
<tr>
<th>US Population with a Disability</th>
<th>All Ages with a disability</th>
<th>56,672,00</th>
<th>18.70%</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>US Population by Race</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Population</strong></td>
<td>308,745,538</td>
<td>100%</td>
</tr>
<tr>
<td><strong>One Race</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>223,553,265</td>
<td>72.40%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>38,929,319</td>
<td>12.60%</td>
</tr>
<tr>
<td>American Indian and Alaska Native</td>
<td>2,932,248</td>
<td>0.90%</td>
</tr>
<tr>
<td>Asian</td>
<td>14,674,252</td>
<td>4.80%</td>
</tr>
<tr>
<td>Native Hawaiian and Other Pacific Islander</td>
<td>540,013</td>
<td>0.20%</td>
</tr>
<tr>
<td>Some Other Race</td>
<td>19,107,368</td>
<td>6.20%</td>
</tr>
<tr>
<td><strong>Two or more Races</strong></td>
<td>9,009,073</td>
<td>2.90%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>US Population by Sex</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>151,781,326</td>
<td>49.10%</td>
</tr>
<tr>
<td>Female</td>
<td>156,964,212</td>
<td>50.80%</td>
</tr>
<tr>
<td><strong>Total Population</strong></td>
<td>308,745,538</td>
<td>100%</td>
</tr>
</tbody>
</table>

Table 2 shows the national visitor use monitoring system (NVUMS) data for visits to all National Forest (NF) lands. Notably, American Indian/Alaska Natives visit NFS lands (2.4% of NFS visitors) more often than may be expected relative to their overall percentage of the U.S. population (0.9%). All other protected classes visit the NFS lands considerably less than their percentage of the U.S. population. For example, Hispanic comprises 5.4% of NFS visits while comprising 16% of US population. Asians represent 2.1% of NFS visitors, while representing 4.8% of the U.S. population. African American may be the least impacted by NFS directives as they only represent 1.1% of NFS visitors, while representing 12.6% of the overall U.S. population.
Comparative analysis of Tables 1 and 2 indicates that the current implementation of Forest Service conducted programs has resulted in the low use numbers and percent by protected groups. This data indicates under current conducted program administration, protected groups are experiencing adverse effects, which may be disparately impacting Hispanics, African Americans, Asian Americans, and persons with disabilities.

Table 2- Percent of National Forest and Wilderness Visits (by race and ethnicity) for FY 2008 –2012 (Source: National Visitor Use Monitoring System* (NVUMS) Results USDA Forest Service National Summary Report Data collected FY 2008 through FY 2012; Last updated 20 May 2013)

<table>
<thead>
<tr>
<th>Race/Ethnicitya</th>
<th>National Forest Visits (%)</th>
<th>Wilderness Visits (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Indian/Alaska Native</td>
<td>2.4</td>
<td>1.8</td>
</tr>
<tr>
<td>Asian</td>
<td>2.1</td>
<td>3.1</td>
</tr>
<tr>
<td>Black/African American</td>
<td>1.1</td>
<td>0.6</td>
</tr>
<tr>
<td>Native Hawaiian/or other Pacific Islander</td>
<td>1.1</td>
<td>0.6</td>
</tr>
<tr>
<td>White</td>
<td>95.3</td>
<td>95.7</td>
</tr>
<tr>
<td>Spanish, Hispanic, or Latino</td>
<td>5.4</td>
<td>5.5</td>
</tr>
</tbody>
</table>

*“Spanish, Hispanic or Latino” is presented in a separate question because it is an ethnicity, not a race. Respondents first stated whether they were of this ethnicity, then a separate question asked which of the racial categories applied to them. Respondents could choose more than one racial group.

* NVUMS provides sampling-based estimates of the volume and characteristics of recreation visitation to the NFS. All participation in the survey is voluntary and is conducted in person while the visitors are in the NFS. NVUMS uses standardized measures of visitor use to ensure that all national forest visitor measures are comparable. NVUMS asks about race and ethnicity in direct response to very strict and unambiguous guidelines established by the Office of Management and Budget for all federal agencies. The NVUMS methodology is explained in detail in “Forest Service National Visitor Use Monitoring Process: Research Method Documentation”; English, Kocis, Zarnoch, and Arnold; Southern Research Station; May 2002. http://www.fs.fed.us/recreation/programs/nvum.

**The category “persons with disabilities” includes individuals of all races, genders, and ages. NVUM data regarding visits by people with disabilities to the NFS are gathered by asking groups of at least two visitors whether any member of the group has a disability. No further questions about disabilities are asked.

Since Hispanics, African Americans, Asian Americans, and persons with disabilities groups are not visiting the national forest at the same rate(s) compared to their respective U.S. Census populations, mitigation actions will be implemented and monitored integral to the Forest Service LEP Policy.

Mitigation actions, proposed by specific Deputy Area program offices would be implemented integral to routine program delivery activities, including: program specific communication/
outreach actions and information strategies to encourage protected group’s visitation, program participation and benefits. Line Officers and staff at the local unit levels would consider application of LEP factors among alternative program delivery decisions and implementation strategies.

E. **Describe the civil rights impacts identified in Sections C and D in terms of whether:**

1. **They are likely to be beneficial.**

   The proposed LEP Policy is expected to result in positive customer service, increases in program participation, and the use of National Forest lands by LEP communities. The policy is expected to guide employees in consistent administration of conducted programs in compliance with overall nondiscrimination/civil rights policy, and improve the skill levels of Deputy Area program office staff.

   The proposed LEP Policy would facilitate and support constructive public outreach and encourage the involvement of protected groups in land management planning decisions; and result in better relationships with LEP individuals and communities. In some cases, Forest Service conducted programs could provide opportunities for LEP and environmental justice communities to participate in land management decisions that may improve the health of their environment/communities.

   LEP Policy would promote integration of management considerations to include: the location of affected LEP individuals/Environmental Justice Communities in proximity to the national forest and Agency actions; the efficient use of specific tools, including prominent language interpretation services, translation services for vital documents, brochures, and electronic Web page information, and posters/advertisements publicizing program activities and meetings.

2. **They are likely to maintain the status quo.**

   The proposed LEP Policy would change the status quo. The proposed LEP Policy would enhance the public’s ability to constructively participate in Forest Service public involvement and decision-making processes that may affect their environment, as discussed in section E.1. The proposed LEP Policy provides managers tools and guidelines for using a systematic approach and support system that would make conducted programs accessible to LEP communities, resulting in improvement of communication and public collaboration strategies, potentially changing the outcome of management decisions with mutual public benefits.

   The proposed LEP Policy would ensure consistent social/civil rights impact analyses for evaluating local LEP individual/community needs and public outreach strategies, improving protected group participation in the national and local initiatives.
Routine services provided to the public would include the use of prominent language interpretation services and the translation of vital documents and brochures for specific meetings, posters publicizing program activities and Web page electronic information.

F. Determine whether the civil rights impacts will likely adversely affect one or more groups or protected classes, specifically:

1. Whether the adverse impacts will likely be disproportionate, and if so,

As outlined in Sections C and D, implementation of current conducted programs without the proposed Forest Service LEP Policy may be resulting in reduced participation rates by protected/LEP groups, disparately impacting opportunities for Hispanics, African Americans, Asian Americans, and persons with disabilities groups. With specific mitigation actions implemented, i.e., integrating proposed LEP Policy, it is projected that conducted programs would prevent or avoid any adverse or disproportionate impacts on protected classes.

2. How the disproportionate impacts will likely be manifested.

As enumerated in number F.1., implementation of current conducted programs without the proposed Forest Service LEP Policy and prescribed mitigation strategies could perpetuate the result of reduced participation/forest use rates by protected/LEP groups, and potential local adverse impacts.

G. Identify and compare and contrast alternatives that could eliminate, alleviate, or mitigate adverse, disproportionate civil rights impacts for affected groups or protected classes.

No-Action Alternative - 1

Climate change, changing land use patterns, and growing societal needs to manage/protect forested environments and maintain production of high-quality fresh water are focusing public attention on Deputy Area program office’s administration and management of land management planning processes; and the inclusion of protected groups, including LEP individuals and communities in the Agency mission. The administration LEP Policy by Deputy Area conducted program staff is inconsistently implemented and monitored. Forest Service program discrimination complaints may continue to reflect LEP issues and public concerns.

It is difficult for agency officials to evaluate conducted program service to and participation by protected groups; and their effectiveness in reaching these groups on a local or regional scale. Without comprehensive and consistent national guidance provided by a service-wide LEP Policy/strategy, management of the Agency mission and services to LEP/EJ communities would continue the status quo. Participation in Forest Service conducted program will continue to be below national and local U.S. Census population benchmarks.
Action Alternative - 2

The proposed Forest Service LEP Policy is implemented beginning in FY 2014, and over a five year period. Forest Service-wide tools, directives, support systems, and contracts will be implemented to facilitate customer service, inform and engage LEP communities, and integrate LEP program infrastructure within the Deputy Area conducted programs. Forest Service managers and program administrators will be guided and directed by consistent policy. Employee and leadership skills and cultural competency improves during all phases of planning, implementation and monitoring of Deputy Area conducted programs.

The proposed LEP Policy and Plan systems, protocols and annual monitoring guidance facilitates integration of Deputy Area program requirements to meet existing mandates under the civil rights statutes, executive orders, department regulations, and directives. The proposed LEP Plan improves communications, conveyance of information, service, and participation by LEP and Environmental Justice communities. The Forest Service would experience better integration of protected groups/LEP communities into land management decision making practices and improve national forest use rates by protected groups.

The Forest Service would implement and administer effective and specific program outreach actions and information strategies focused toward LEP/EJ groups; informing and encouraging participation in program activities and benefits. Agency program initiatives would implement strong Deputy Area program specific public outreach strategies that consider local and regional communities, their cultural differences, and application of the suite of available LEP tools and system mechanisms including: prominent language interpretation services at planned activities/meetings, the translation of vital documents, brochures, and posters publicizing program activities, supported by translated web page information.

H. Identify feasible strategies to offset adverse, disproportionate civil rights impacts in the short and long term.

The USDA Forest Service leadership would consider the following mitigation actions/activities during routine program delivery activities to ensure employees and LEP customers are aware of Forest Service programs, benefits and requirements:

- Post on Agency’s website;
- Post signs in intake areas and other entry points;
- State in outreach documents that language services are available from the Agency;
- Use a telephone voice mail menu to provide information about available language assistance services and how to get them;
- Work with community-based organizations and other stakeholders to inform LEP individuals of the Agency’s services, including the availability of language assistance services;
- Include notices in local and ethnic media;
- Provide notice about Forest Service language assistance services in prominent languages LEP persons will understand;
• Forest Service Deputy Area program offices will implement specific public outreach strategies/initiatives.

• The Forest Service will continue to implement Government-to-Government relations, consulting with Tribes when implementing national and local conducted programs, and roll-out of the Forest Service LEP Plan.

I. Select feasible implementation strategies to eliminate, alleviate, or mitigate adverse and disproportionate civil rights impacts, based on overall needs and consideration of all significant factors related to the policy, action, or decision.

See Sections G. and H. Action Alternative – 2 will be implemented. If implemented as predicted, the proposed Forest Service LEP Policy/Plan would: greatly improve access of LEP communities to the management and administration of land and resources; improve effectiveness and outcomes of service delivery to LEP/Environmental Justice customers within the Agency; and the workforce would be provided the opportunity to improve their knowledge and skills, receive training, resources/tools and directives for effectively administering equitable Deputy Area program delivery.

Ongoing LEP Policy monitoring at the national and local levels over the next five years to evaluate potential impacts that may arise during implementation, including: Making adjustments as needed; considering new information indicating adverse impacts or consequences as a result of management decisions; and facilitating the recommendation and incorporation of additional mitigation strategies as needed.