

STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of the Chairperson
Honolulu, Hawaii 96813

July 27, 2007

State of Hawaii
Board of Land and Natural Resources
Honolulu, Hawaii

Request for Authorization and Approval to implement the Department of Land and Natural Resources' Language Access Plan.

REQUEST:

The Office of the Chairperson hereby submits a request for your authorization and approval to implement the attached State of Hawaii Department of Land and Natural Resources' Language Access Plan (LAP) to comply with our obligations to allow limited English proficient individuals access to the departments programs, services, and activities.

LEGAL REFERENCE:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d ("Title VI") regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program receiving Federal financial assistance.

Hawaii Revised Statutes (HRS), Chapter 371, Part II, Sections 371-31 to 37 (Act 290, SLH-July 10, 2006), regarding "Language Access", states that "Each state agency and all covered entities shall take reasonable steps to ensure meaningful access to services, programs, and activities by limited English proficient persons..." In providing the delivery of language accessible services, it is the intent of the legislature that those services be guided by Executive Order 13166 and succeeding provisions of federal law, regulation, or guidance. [L2006, c 290, c 290, pt of §1].

IMPACT DISCUSSION:

This LAP requires the department to provide interpreters or translated materials in regard to vital documents and vital services to individuals with limited English proficiency. It is not the intent of this plan to provide translated material on all documents in all languages.

The initial step for the department is to identify a Departmental Language Access Coordinator (LAC), as described in the LAP and inform the Office of Language Access of the coordinator. Each division shall assign a Language Access Representative that will be responsible for the division's language access requirements and will work with the LAC to ensure departmental compliance.

Second, the department shall begin compiling a database involving each Division to monitor, identify, and record non-English language encounters and to identify staff's bilingual communication abilities. This information shall be for inter-departmental use only. Each division shall be prepared to acquire a telephone interpreter service to access an on-demand language service in the event that there are no interpreters available.

Printing of Language Access posters and literature shall be executed after the appropriate languages have been identified through the data collection process. These materials shall be distributed and displayed at every point of public interaction.

Defining and identifying "vital documents and services" shall be determined and qualified to establish the extent of interpretation and translations are required. The LAC shall work with Office of Language Access to arrive at these minimal requirements.

The Office of Language Access has reviewed and approved the department's LAP and recommends that the department proceed with implementing the plan.

RECOMMENDATION:

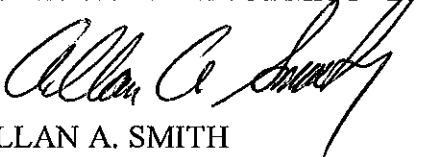
That the Board authorizes and approves to implement the Department of Land and Natural Resources' Language Access Plan.

Respectfully submitted,



DEAN AOKI
ADA Coordinator

APPROVED FOR SUBMITTAL



ALLAN A. SMITH
Interim Chairperson

EXHIBIT A

LINDA LINGLE
GOVERNOR



NELSON B. BEFITEL
DIRECTOR

COLLEEN Y. LaCLAIR
DEPUTY DIRECTOR

SERAFIN P. COLMENARES JR.
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
OFFICE OF LANGUAGE ACCESS
830 PUNCHBOWL STREET, ROOM 322
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8730 / Fax: (808) 586-8733
Email: dlir.ola@hawaii.gov

July 12, 2007

TO: The Honorable Allan A. Smith, Interim Chairperson
Department of Land and Natural Resources

THROUGH: Dean T. Aoki, Language Access Coordinator

FROM: Serafin P. Colmenares Jr., Executive Director
Office of Language Access

SUBJECT: Language Access Plan

Thank you for your department's Limited English Proficiency Plan which we received on June 29, 2007.

Based on our review, we have concluded that your written plan meets the requirements of the law. We recommend that your agency proceed with implementation and take steps to ensure your employees follow your written plan.

We appreciate your commitment to ensuring that persons with limited English proficiency are provided meaningful access to your services and programs.

If you have any questions, please feel free to call the Office of Language Access at 586-8730.

cc: Dean T. Aoki

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

ALLAN A. SMITH
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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DEPUTY DIRECTOR - WATER
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

LANGUAGE ACCESS PLAN

INTRODUCTION

Under Executive Order 13166, titled, "Improving Access to Services for Persons with Limited English proficiency," recipients of federal financial assistance have a responsibility to take reasonable steps to provide limited English proficient (LEP) individuals with meaningful access to their programs and activities. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d serves as the basis for Executive Order 13166.

Title VI mandates that no person 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." Divisions within the State of Hawai'i Department of Land and Natural Resources (DLNR) are recipients of financial assistance from seven different Federal agencies.

As a result of this financial assistance, Title VI applies to all nine operating divisions and three staff offices within DLNR. To meet its obligations under Title VI, DLNR seeks to implement the initiatives established in this Language Access Plan (LAP) and take reasonable steps to ensure no discrimination toward LEP individuals regarding benefits, services, information, or rights that DLNR provides.

The U.S. Census Bureau 2005 Census reports that of the 1.2 million people in Hawai'i, more than 275,000 (24%) people speak a language other than English at home of which more than 132,000 (12%) speak English less than "very well." For this large percentage of Hawai'i's population, English is not their primary language. More than 238,000 (21%) persons speak an Asian or Pacific Island language at home.

Many have only a limited ability to read, write, speak or understand English. Language barriers may prohibit these residents from fully participating or understanding our policies and regulations in protecting the numerous natural resources that DLNR manages. This LAP represents DLNR's commitment to provide essential and meaningful communication and language access to LEP individuals.

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Definition of Limited English Proficient Individuals

For purposes of this LAP, LEP individuals are defined as individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. Such persons may be eligible to receive language assistance with respect to a particular service, benefit, or encounter.

Relevant Factors

Each DLNR division that is a recipient of Federal funds will conform to the guidelines from the respective Federal agencies' to determine how to provide effective and meaningful access to LEP individuals. Federal agencies that provide financial assistance to our divisions are as follows:

- Corporation for National & Community Service.....(Appendix 1)
- Department of Agriculture.....(Appendix 2)
- Department of Commerce(Appendix 3)
- Department of Defense.....(Appendix 4)
- Department of Homeland Security.....(Appendix 5)
- Department of the Interior(Appendix 6)
- Department of Justice.....(Appendix 7)
- Department of Transportation.....(Appendix 8)
- Environment Protection Agency.....(Appendix 9)

All DLNR divisions and offices will provide effective and meaningful access to LEP individuals based on these four minimal guidelines.

1. Determine the composition and ratio of LEP individuals eligible to be served or likely to be encountered by the program;
2. The frequency with which LEP individuals come into contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to LEP individuals; and
4. The resources available to the program and the costs of providing services for interpretation/translation.

The criterion for these four guidelines is reasonableness, as measured by balancing (1) the size, needs, and the nature of assistance to the LEP population served and (2) DLNR's capacity and available resources.

Based on these relevant factors, decisions regarding oral interpretation and written translation services under the following LAP shall be guided by the four minimal guidelines cited above.

Summary

DLNR's LAP is comprised of seven (7) components:

- I. Development of a reporting system designed to obtain key information about the LEP population who use DLNR services;
- II. Compilation of comprehensive multi-lingual listing of Staff;
- III. Notice of interpretation/translation services to qualified LEP individuals;
- IV. Providing interpretation/translation services for qualified LEP individuals;
- V. Designation of a LAP Coordinator;
- VI. Training DLNR staff on the implementation of this plan; and
- VII. Seeking stakeholders' input; review and revision of the LAP.

Each component is explained in greater detail below.

LANGUAGE ACCESS PLAN**I. Development of a Reporting System to Obtain Key Information about the LEP Individuals Who Use DLNR Services.**

In order to provide meaningful access to LEP individuals, DLNR will first seek to gather information about what languages they speak, what DLNR services they access, and the frequency in which they use these services.

DLNR has been providing minimal interpretation services for LEP individuals that have requested it, free of charge. Unfortunately, due to the informal nature of these requests, DLNR has sparse statistics on the number of persons who have requested help with language interpretation. These statistics are limited to the kinds of languages requested and the collective amount of minutes used in providing interpretation services for a particular language. This data does not reflect the kinds of DLNR services provided or how frequently such services were used by LEP individuals.

While certain divisions have begun gathering detailed information about the LEP individuals they serve, DLNR will take this opportunity to develop a comprehensive approach that will standardize and share this information among all divisions and offices.

DLNR will formally gather information utilizing a questionnaire (Appendix A) to identify the needs of LEP individuals and to evaluate how to provide meaningful access to programs and services. This questionnaire seeks to collect the following information: (1) the

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kinds of languages that LEP individuals need translated; (2) the kinds of DLNR services are used by LEP individuals; and (3) the frequency in which LEP individuals use certain DLNR services.

The LAP Coordinator shall be responsible for establishing a procedure for completing the questionnaire and will compile the data on a yearly basis and provide a report which will be used to update the LAP. Responsibilities of the LAP Coordinator are explained in Section (5) below.

II. Compilation of Comprehensive Multilingual Listing of Staff

DLNR will ascertain what language skills and resources already exist and available through its employees (Staff) to effectively assist LEP individuals. Certain divisions may have already informally begun that process by maintaining a listing of its staff and the languages that he or she can read and/or speak.

DLNR will consolidate and expand these listings to include the entire Department. This list consists of information volunteered by Staff identifying the language or languages that they can speak and/or read, the degree of fluency in those identified languages, and their contact information. A complete listing of all Staff who has multilingual abilities is available upon request from the LAP Coordinator.

All Staff on this list may be contacted when a LEP individual wants to access a program or service and requests language assistance. The procedure to be followed when Staff is contacted to provide language assistance is contained in Section IV-A below.

Should additional personnel be required to provide language access to LEP individuals, as determined by the relevant factors, the DLNR shall include bilingual language preference during the selection process of applicants for a budgeted vacant position that involves contact with the public.

Although Staff may not be fluent in a particular language, depending on the circumstances, that employee's language skills may facilitate a certain comfort level that may contribute significantly to meeting a LEP individual's needs.

III. Notification of Interpretation/Translation Services to LEP Individuals

A. Office Notice

To provide notice to LEP population who may access DLNR services, we have taken the following steps. Based on (1) the existing data compiled by DLNR in providing interpretation services to LEP individuals; (2) information gathered from the U.S. Census Bureau and from the State of Hawai'i Data Book 2004; (3) discussions with the State Department of Labor and Industrial Relations (DLIR), Office of Language Access, State Department of Health (DOH) and State Department of Transportation (HDOT), a list of twenty-one (21) languages has been compiled. These are likely to be the primary languages of LEP individuals in Hawai'i who need access to DLNR

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services. These languages include: Burmese, Cambodian, Cantonese, Chamorro, Chuukese, Ilocano, Japanese, Korean, Kosraean, Lao, Mandarin, Marshallese, Pohnpeian, Samoan, Spanish, Tagalog, Thai, Tongan, Vietnamese, Visayan, and Yapese.

At least one 11" x 17" LAP poster informing LEP individuals that DLNR provides free interpretation services shall be placed in a prominent place in all DLNR offices having public interaction. An 8 ½" x 11" copy of this poster developed by the Office of Community Services is attached as Appendix B.

B. Notice For Requesting Written Translation

DLNR will develop a written notice (Appendix C) that will be attached to vital documents that each respective division administrator believes is important and/or believes, through the experiences of his or her division, needs to be translated. The notice will be translated into the twenty-one (21) languages identified above, and invites the individual, who needs translation of a DLNR document, to contact the LAP Coordinator. The notice will include the LAP Coordinator's name and telephone number.

IV. Providing Interpretation/Translation Services for LEP Individuals

A. Oral Interpretation

In serving the public, situations may arise where LEP individuals are unable to participate in a DLNR program without the assistance of interpreters in their preferred language. To ensure that their inability to communicate in English does not deprive the individual of their rights and privileges, DLNR will continue to provide an interpreter, at no cost to LEP individual pursuant to the following procedures:

If an LEP individual approaches Staff and appears to be asking for help, but has difficulty communicating what he or she needs, what should Staff do?

1. In-Person Interpreter

Staff helping that individual should attempt to determine what language that person speaks. If that language cannot be readily determined, the Staff will utilize the LAP poster to help find out what language the individual speaks. The Staff will allow the individual to review the poster and encourage the person to point to the language in which he or she needs an interpreter.

As the individual points to a language on the poster, the Staff will refer to the multi-lingual Staff listing. Staff will first contact an available interpreter within the immediate office. If no one is available to interpret within that office, then the Staff will attempt to contact an interpreter in the closest proximity of Staff's own office (i.e., on the same floor). If no one in the immediate proximity of the office is available, then Staff will attempt to contact an interpreter within DLNR.

If no one is available within DLNR, then the Staff assisting the individual will utilize a telephone language interpreter service.

2. Telephone Language Interpreter Service

The LAP Coordinator will establish a contract with a language interpreter service to provide interpretation services via telephone at no cost to LEP individuals who requests assistance. This service will be available during and after normal business hours for LEP individuals.

If a Staff interpreter cannot be located, then the Staff helping the individual will call the Telephone Language Interpreter Service. Staff shall be prepared to request the appropriate name of the language.

Once an interpreter has been connected to the call, Staff will (1) brief the interpreter about the situation by summarizing what Staff wishes to accomplish, and (2) convey any special instructions to the interpreter. Staff will then allow the LEP individual to speak to the interpreter.

When the conversation between the LEP individual and the interpreter is completed, or when Staff is prompted, Staff will then speak to the interpreter to find out what the individual response or needs are.

At the end of the conversation, Staff shall complete a Service Log entry, detailing the date of the call, the start and end times, the originating phone number and the language involved. A sample page of the Service Log is attached as Appendix D. All DLNR offices/divisions shall compile the information from the Services Logs and submit an annual Service Log for the office/division to the LAP Coordinator within fifteen (15) days after the end of each year.

As a general rule, a competent, in-person interpreter is preferred over a telephone interpreter. The cost for telephone language interpretation services shall be borne by the division.

3. No Telephone Language Interpreter Service Available or Language Not Listed on Poster

If the contracted telephone language interpreter service representative indicates that the requested language does not have an available interpreter and the language is listed on the LAP poster, Staff can contact other interpreter services listed on Appendix E for assistance. Appendix E is a list of interpreter/translation services compiled by the LAP Coordinator. At the end of the transaction, Staff shall complete a Service Log entry and identify which telephone language interpreter service was utilized.

If the language that the individual speaks is not listed on the LAP poster, Staff servicing the LEP individual shall contact the LAP Coordinator and proceed as instructed. The LAP Coordinator shall contact the administrator of the division servicing the LEP individual, and the LAP Coordinator and the administrator of the division shall decide whether to grant the request, in whole or in part, by using the four-factor analysis discussed in the "Relevant Factors" section above.

4. Telephone Calls

Should a DLNR employee receive a telephone call from a LEP individual or a representative of a LEP individual needing oral translation, Staff should encourage that LEP individual to come into the Staff's office, so that oral interpretation services may be arranged as set forth above.

B. Written Translation of Vital Documents

As discussed in Section III B above, a notice regarding a request for written translation shall be attached to important documents in order to provide meaningful access to LEP individuals and/or sent with documents that Staff have sufficient reason to believe are addressed to a LEP individual.

When a request for a written translation is received by the LAP Coordinator, the Coordinator has twenty-four (24) hours to notify the respective division administrator who sent the document that such a request was made.

The LAP Coordinator, the Deputy Director, and administrator of that particular division shall decide whether or not the request should be granted using the four-factor analysis discussed in the "Relevant Factors" section above. It is within the sound discretion of the LAP Coordinator and the administrator to select a qualified translator.

V. Designation of LAP Coordinator

DLNR's Title VI Civil Rights Specialist, shall serve as the LAP Coordinator. See Appendix E. The LAP Coordinator will be primarily responsible for: (1) the overall implementation of the LAP; (2) responding to any inquires or comments/complaints regarding the LAP and its implementation; (3) making any revisions and modifications to the LAP, as necessary; (4) training Staff by providing the proper background necessary to implement the objectives of the LAP; (5) serving as the primary contact for LEP individuals who need a written translation of important DLNR documents; and (6) coordinating efforts to implement the LAP, monitor the LAP, evaluate the LAP, and invite stakeholders' input aimed at improving the current LAP.

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VI. Training DLNR Staff

The LAP Coordinator will be responsible for developing and implementing training for DLNR staff. The primary purpose of the training is to impart the necessary background and understanding to implement the objectives of the LAP. The training shall address the application of the policies and procedures in the LAP to various "real-world" situations that they will likely encounter.

The LAP Coordinator shall develop reference sheets encapsulating the essential principles and procedures of the LAP and disseminate these reference sheets to the entire Department as part of the training. The training shall also address what kind of documents should be generally translated. Additionally, the training shall address competency, confidentiality, and impartiality issues regarding in-person interpreters within DLNR.

All Staff dealing with individuals on a daily basis shall be required to receive and complete their training on providing services outlined in the LAP for LEP individuals.

VII. Seek the State Department of Labor and Industrial Relations (DLIR), Office of Language Access' Input, Review, and Revision of the LAP

Hawaii Revised Statutes (HRS) Chapter 371, Part II, Section 371-36, orders DLNR's LAP shall be submitted to the DLIR, Office of Language Access which will provide technical assistance to review and monitor implementation of DLNR's LAP to ensure that it complies with the intent of the law.

This LAP shall be reviewed and revised subject to comments from the DLIR, Office of Language Access and DLNR Staff. The provisions of this LAP shall remain in place until a revised LAP is adopted.

Conclusion

Through the enactment of this LAP, DLNR, in compliance with the mandate of Title VI, has memorialized the initial steps in providing reasonable and meaningful access to LEP individuals that seek DLNR programs and services.

All DLNR divisions and administrative offices shall immediately comply with this Language Access Plan.

Allan A. Smith
Interim Chairperson

Date

Appendix 1

**UNITED STATES
CORPORATION FOR NATIONAL AND
COMMUNITY SERVICES**

**Guidance to Federal Financial Assistance Recipients Regarding
Title VI Prohibition Against National Origin Discrimination
Affecting Limited English Proficient Persons**

See web site: <http://www.lep.gov/agencyguide.html#cncs>

Appendix 2

**UNITED STATES
DEPARTMENT OF AGRICULTURE**

**Guidance to Federal Financial Assistance Recipients Regarding
Title VI Prohibition Against National Origin Discrimination
Affecting Limited English Proficient Persons**

See web site: <http://www.lep.gov/agencyguide.html#ag>

Appendix 3

**UNITED STATES
DEPARTMENT OF COMMERCE**

**Guidance to Federal Financial Assistance Recipients Regarding
Title VI Prohibition Against National Origin Discrimination
Affecting Limited English Proficient Persons**

See web site: <http://www.lep.gov/agencyguide.html#commerce>

Appendix 4

**UNITED STATES
DEPARTMENT OF DEFENSE**

**Guidance to Federal Financial Assistance Recipients Regarding
Title VI Prohibition Against National Origin Discrimination
Affecting Limited English Proficient Persons**

See web site: <http://www.lep.gov/agencyguide.html#defense>

Appendix 5

**UNITED STATES
DEPARTMENT OF HOMELAND SECURITY**

**Guidance to Federal Financial Assistance Recipients Regarding
Title VI Prohibition Against National Origin Discrimination
Affecting Limited English Proficient Persons**

See web site: <http://www.lep.gov/agencyguide.html#dhs>

Appendix 6

**UNITED STATES
DEPARTMENT of the INTERIOR**

**Guidance to Federal Financial Assistance Recipients Regarding
Title VI Prohibition Against National Origin Discrimination
Affecting Limited English Proficient Persons**

See web site: <http://www.lep.gov/agencyguide.html#interior>

Appendix 7

**UNITED STATES
DEPARTMENT OF JUSTICE**

**Guidance to Federal Financial Assistance Recipients Regarding
Title VI Prohibition Against National Origin Discrimination
Affecting Limited English Proficient Persons**

See web site: <http://www.lep.gov/agencyguide.html#doj>

Appendix 8

**UNITED STATES
DEPARTMENT OF TRANSPORTATION**

**Guidance to Federal Financial Assistance Recipients Regarding
Title VI Prohibition Against National Origin Discrimination
Affecting Limited English Proficient Persons**

See web site: <http://www.lep.gov/agencyguide.html#trans>

Appendix 9

**UNITED STATES
ENVIRONMENT PROTECTION AGENCY**

**Guidance to Federal Financial Assistance Recipients Regarding
Title VI Prohibition Against National Origin Discrimination
Affecting Limited English Proficient Persons**

See web site: <http://www.epa.gov/agencyguide.html#epa>

Appendix A

LIMITED ENGLISH PROFICIENCY (LEP) QUESTIONNAIRE

This questionnaire is to be completed by DLNR Staff providing services to an individual with Limited English Proficiency. Please complete the questionnaire for each LEP individual served.

Staff Name: _____ Date: _____

Division: _____ Office: _____

Name of LEP Individual (if known): _____

1. What is the primary language spoken by the LEP person?
(e.g., Tagalog, Ilocano, Mandarin, Japanese, Korean, Samoan, etc.)

2. List the type of service provided this person.
(e.g., permits, license, services, application, job information, project or construction information, etc.)

3. Was the program service provided within the timeframe as services provided to non-LEP individuals?
(Yes or No; if No, please indicate if service was due to need for LEP service)

4. What type of LEP services did you provide this person?
(e.g., oral interpretation in person or phone, written translation, none)

5. Who provided the interpreter services?
(e.g., bilingual staff, contracted interpreter, Telephone Interpreters Services, community volunteer, LEP person's family member, friend, own interpreter, etc.)

6. Was this person satisfied with the interpreter services provided?
(e.g., Yes or No; if No, please explain)

Appendix B

“If You Need an Interpreter” Poster

(Pending)

Attached example from

State of Hawaii
Department of Labor and Industrial Relations

Appendix C

“If You Need a Document Translated”

(Pending)

Attached example from

State of Hawaii
Department of Labor and Industrial Relations

Appendix D - continued

LIMITED ENGLISH PROFICIENCY Annual Division/Office Report

For Calendar Year: _____

Form to be completed for each calendar year and submitted to the LAP Coordinator no later than January 15 of the following year. The information will be used to determine (among other things) the number of LEP Individuals requiring translation services and types of languages translated. LAP Coordinator will utilize the questionnaire to gather more detailed information necessary to enable DLNR to provide meaningful access to LEP Individuals.

Division/Office: _____
Person _____

Contact _____

Total LEP Individuals:	<i>Number Served</i>

Methods used to Inform LEP Individuals of LEP Information	<i>Yes or No</i>
Language identification flashcard	
Posters informing LEP Individuals of language services	
Outreach documents in other languages	
TeleInterpreters Services	
Multilanguage mailer inserts	
LEP information on website	
Other:	

Types of Documents Translated:	<i>Yes or No</i>
Applications	
Agendas/Minutes	
Letters or notices regarding public meetings	
Complaint forms	
Other:	

Number of complaints filed due to language access issues:	<i>Number of Grievances or Complaints</i>
<small>Please indicate number of grievances and/or complaints your division or office handled during the report year due to language access issues. Please also provide below the date filed and a short description of the issue.</small>	

Appendix E

**State of Hawai`i
Department of Land and Natural Resources**

Language Access Plan Coordinator

Dean T. Aoki
Title II Civil Rights Specialist
Interim Title VI Civil Rights Specialist

**P.O. Box 621
Honolulu, Hawaii 96809**

Telephone
(808) 587-0393

Fax
(808) 587-0390