



MORRO BAY

NATIONAL ESTUARY PROGRAM

Procedures for Meeting Federal Non-Discrimination Obligations and Best Practices

Prepared for
United State Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Prepared by
Morro Bay National Estuary Program

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Background

The Morro Bay National Estuary Program (Estuary Program) works to protect and restore the Morro Bay estuary and the lands that surround it for people and wildlife. The Estuary Program is a collaborative, non-regulatory, nonprofit organization that brings together the community, local governments, nonprofit organizations, state and federal agencies, and landowners to support a healthy environment and vibrant local community. The work of the program is guided by a Comprehensive Conservation & Management Plan (CCMP) for Morro Bay, which was updated in 2022. The three Estuary Program focus areas are: habitat protection & restoration; environmental monitoring & research; and public participation, education, & outreach.

Morro Bay was accepted into the National Estuary Program in 1995 when the Administrator of the U.S. Environmental Protection Agency (EPA) accepted Governor Wilson's nomination of the program. With financial support from EPA, the Estuary Program staff work with partners to develop and implement the CCMP.

As a recipient of federal grant funding, the Estuary Program must comply with the requirements set forth by EPA. One subset of these requirements involves meeting federal non-discrimination obligations and best practices. EPA developed guidance based on federal non-discrimination laws, collectively, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Section 13 of the Federal Water Pollution Control Act of 1972, and Title IX of the Education Amendments of 1972; and EPA's implementing non-discrimination regulations at 40C.F.R. Parts 5 and 7. Working from guidance from EPA titled "*Procedural Safeguards Checklist for Recipients, Federal Non-Discrimination Obligations and Best Practices*" (dated January 2020), the Estuary Program reviewed internal procedures and developed documentation to address all portions of the checklist. These activities and procedures are described in this procedural document.

Notice of Non-Discrimination under the Federal Non-Discrimination Laws

Per EPA guidance, the following non-discrimination statement was developed for program use:

Notice of Non-Discrimination

The Bay Foundation of Morro Bay dba the Morro Bay National Estuary Program does not discriminate on the basis of race, color, national origin, disability, age, or sex in administration of its programs or activities, and, the Bay Foundation of Morro Bay does not intimidate or retaliate against any individual or group because they have exercised their rights to participate in actions protected, or oppose action prohibited, by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.

Melodie Grubbs, Executive Director, is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7 (Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to collectively as the federal non-discrimination laws).

If you have any questions about this notice or any of the Bay Foundation of Morro Bay's non-discrimination programs, policies or procedures, you may contact:

Melodie Grubbs, Executive Director
The Bay Foundation of Morro Bay
601 Embarcadero, Suite 11
Morro Bay, CA 93442
805-772-3834
ndo@mbnep.org

If you believe that you have been discriminated against with respect to a Bay Foundation of Morro Bay program or activity, you may contact the Executive Director identified above or visit our website at www.mbnep.org/nd-resources to learn how and where to file a complaint of discrimination.

This non-discrimination statement is posted in the Estuary Program offices and on the homepage of the Estuary Program website. It is shared in general publications distributed to the public where appropriate.

The statement is accessible to limited-English proficient individuals and individuals with disabilities. It is posted on the program's website homepage, which can be read out loud or translated into different languages by the web browser.

The statement clearly identifies a Non-Discrimination Officer (NDO), Melodie Grubbs, the program's Executive Director. The statement includes the coordinator's name and contact information.

For hiring, the following non-discrimination statement was developed to be included in any job announcement:

Diversity, equity, and inclusion are core values at the Bay Foundation of Morro Bay, and we are committed to creating a diverse workplace. The Bay Foundation is an equal opportunity employer to all, regardless of race, age, ancestry, color, disability, exercising the right to family care and medical leave, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, political affiliation, race, religious creed, sex, and sexual orientation.

Grievance Procedures to Process Discrimination Complaints Filed under the Federal Non-Discrimination Laws

A grievance may be filed by any Bay Foundation employee, volunteer, board member, committee member, or program partner if they feel they have witnessed or been subjected to any form of discrimination, harassment, or retaliation. Any Bay Foundation employee, volunteer, board member, committee member, or program partner who experiences or witnesses behavior that they believe violates this policy is encouraged to immediately tell the offending individual that the behavior is inappropriate and, if they feel comfortable doing so, to tell the offending individual to stop the behavior. The individual should also immediately report the alleged violation to their supervisor, manager, or the NDO. There is no chain of command when contacting the NDO; an individual does not need supervisor or manager approval to do this. If the alleged offender is the employee's supervisor or manager, the employee should report the conduct to any other supervisor, manager, or the NDO. A complaint may be brought forward verbally or in writing. Supervisors or managers who learn of any potential violation of this policy are required to immediately report the matter to the NDO. The Organization will promptly

investigate the facts and circumstances of any alleged violation, as appropriate. Even in the absence of a formal complaint, the Organization may initiate an investigation where it has reason to believe that conduct that violates this policy has occurred. Moreover, even where a complainant conveys a request to withdraw their initial formal complaint, the Organization may continue the investigation to ensure that the workplace is free from discrimination, harassment and retaliation. Anonymous complaints will also be investigated. The method will depend on the details provided in the anonymous complaint. If the complaint is sufficiently detailed, the investigation may be able to proceed in the same manner as any other complaint. If the information is more general, the Organization may need to do an environmental assessment or survey to try and determine if misconduct has occurred. The preponderance of evidence standard will be applied during the analysis of the complaint.

All investigations will be fair, impartial, timely, and completed by qualified personnel. Employees may also file formal complaints of discrimination, harassment, or retaliation with the agencies listed below. Individuals who wish to pursue filing with these agencies should contact them directly to obtain further information about their processes and time limits.

The Organization prohibits retaliation and intimidation against employees who, based on a reasonable belief, provide information about, complain, or assist in the investigation of any complaint of harassment or discrimination. Any claims of intimidation and retaliation will be handled promptly and fairly per the organization's grievance procedures in the same manner as other claims of discrimination.

The Organization will promptly, fairly, and thoroughly investigate any claim and take appropriate corrective and/or remedial action alleging violation of federal non-discrimination laws where we find a claim has merit. If the Organization begins an investigation, we will endeavor to conduct the investigation in a timely manner and will keep the investigation confidential to the extent possible. In the same way, anyone involved in an investigation of harassment has an obligation to keep all information about the investigation confidential. That is why the Organization will only share information about a complaint of harassment with those who need to know about it. Failure to keep information about an investigation confidential may result in disciplinary action. Investigations will be documented and tracked for timely resolution. Written notice will be promptly provided with the outcome of the investigation, including whether discrimination was found and the description of the investigation process. Whether the investigation and resolution can be considered "prompt" varies depending on the complexities of the investigation and the severity and extent of the alleged discrimination.

When the investigation has been completed, the Organization will normally communicate the results of the investigation to the complaining individual, to the alleged harasser and, if appropriate, to others who are directly involved. If our policy against harassment is found to have been violated, appropriate corrective action, up to and including termination, will be taken against the harasser so that further harassment will be prevented. Both the rights of the alleged harasser and the complainant will be considered in any investigation and subsequent action.

Discipline for violation of this policy may include, but is not limited to, reprimand, suspension, demotion, transfer, and discharge. If the Organization determines that harassment or discrimination occurred, corrective action will be taken to effectively end the harassment. As necessary, the Organization may monitor any incident of harassment or discrimination to assure the inappropriate behavior has stopped. In all cases, the Organization will follow up as necessary to ensure that no individual is retaliated against for making a complaint or cooperating with an investigation. Grievance procedures will be reviewed on

an annual basis for both in-print and online materials and revised as necessary to ensure prompt and fair resolution of discrimination complaints.

In addition to our internal complaint procedure, employees may also contact either the Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH) to report unlawful harassment. You must file a complaint with the DFEH within three years of the alleged unlawful action. The EEOC and the DFEH serve as neutral fact-finders and will attempt to assist the parties to voluntarily resolve their disputes. For more information, contact the Office of Human Resources or the nearest EEOC or DFEH office.

Filing of Complaints Outside Company

You may file formal complaints of discrimination, harassment, or retaliation with the agencies listed below. Contact these agencies directly for more information about filing processes.

California Department of Fair Employment and Housing

2218 Kausen Drive, Suite 100

Elk Grove, CA 95758

800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711

contact.center@dfeh.ca.gov<https://www.dfeh.ca.gov/>

<https://www.dfeh.ca.gov> (main website)<https://www.dfeh.ca.gov/shpt/>

<https://www.dfeh.ca.gov/shpt/> (online sexual harassment training courses)

U.S. Equal Employment Opportunity Commission

450 Golden Gate Avenue 5 West

P.O. Box 36025

San Francisco, CA 94102-3661

800-669-4000 or 510-735-8909 (deaf/hard-of-hearing callers only)<http://www.eeoc.gov/employees>

<http://www.eeoc.gov/employees>

Non-Discrimination Officer

If you feel that you have witnessed or have been subjected to any form of discrimination, harassment, or retaliation, immediately notify the Organization's Executive Director Melodie Grubbs at 805-772-3834, ndo@mbnep.org, or contact any member of management. The Executive Director serves as the organization's NDO and their role is to receive, coordinate, and oversee the grievance procedures of the organization.

Role of the NDO:

- Provide information to individuals internally and externally that the Organization does not discriminate on the basis of race, color, national origin, disability, age, or sex in administration of our programs, and the Organization does not retaliate against any individual or group because they have exercised their rights to participate in or oppose actions protected/prohibited by 40 CFR Parts 5 and 7, or for the purpose of interfering with such rights
- Provide notice of our formal and informal grievance processes and the ability to file a discrimination complaint
- Establish a mechanism such as an investigation manual for implementation of our grievance procedures to ensure that all discrimination complaints filed with our organization under federal

non-discrimination laws are processed promptly and fairly. This includes providing meaningful access to our programs and activities for limited-English proficient individuals and individuals with disabilities.

- Track all complaints filed with our organization under federal non-discrimination laws, including any patterns or systemic problems
- Conduct semiannual reviews of all formal and informal discrimination complaints filed with our organization under federal non-discrimination laws and/or any other complaints independently investigated by our organization and address any patterns of systemic problems
- Ensure that appropriate training is provided for staff in the formal and informal processes available to resolve complaints filed with our organization under federal non-discrimination laws
- Provide or procure training services for staff to ensure that they are appropriately trained on our non-discrimination policies and procedures, as well as the nature of our obligation to comply with federal non-discrimination laws
- Ensure that complainants are updated on the progress of their discrimination complaints filed with our organization under federal non-discrimination laws and promptly informed as to any determinations we have made
- Undertake periodic evaluations of the efficacy of our efforts to provide services, aids, benefits, and participation in any of our programs or activities without regard to race, color, national origin, disability, age, sex or prior exercise of rights or opposition to actions protected under federal non-discrimination laws
- Not have other responsibilities that create a conflict of interest (e.g., serving as our non-discrimination coordinator as well as our legal advisor)

Public Participation

It is central to the collaborative nature of the Estuary Program that public participation in the program be robust and open to all persons regardless of race, color, national origin, disability, age, sex, or prior exercise of rights or opposition to actions protected under federal non-discrimination laws.

To ensure that Estuary Program public meetings encourage public participation in a non-discriminatory manner, events are developed considering multiple factors:

- Time: Public meetings are typically scheduled for late afternoons and early evenings to accommodate the typical working schedule and allow attendance after work.
- Place: The meetings are typically held at the Morro Bay National Estuary Program offices located at 601 Embarcadero, Suite 11, Morro Bay, CA. The building accessibility includes an elevator and ramps throughout the building to allow access to the office. If other locations are utilized, building accessibility will be considered in site selection.
- Location: The meetings are held in Morro Bay, California. This location is well-known to project partners. A location within the watershed is preferred since the program is a place-based organization.
- Duration: Typically meetings can last up to two hours.
- Security: Typically meetings do not have professional security, but venues are selected to ensure that meetings are held in safe locations. If security is required by the venue or deemed necessary, then the Estuary Program will facilitate these services.

Information on meetings including dates, times, and locations are publicized through the Estuary Program's website. Meeting agendas for the Executive Committee (EC) are available on the website.

Description of Community: The Morro Bay watershed includes the city of Morro Bay and the community of Los Osos. In 2022, Morro Bay, CA had a population of 10,800 people with a median age of 52.1 and a median household income of \$88,547. The three largest ethnic groups in Morro Bay are White (Non-Hispanic) at 74.9%, Other (Hispanic) at 6.26%, and Asian (Non-Hispanic) at 5.28%. As of 2022, 5.88% of Morro Bay residents were born outside of the country. From the 2022 census, none of the households in Morro Bay reported speaking a non-English language at home as their primary shared language. This did not consider the potential multi-lingual nature of households but rather the primary self-reported language spoken by all members of the household.

The community of Los Osos is an unincorporated town that is part of the County of San Luis Obispo. In 2022, Los Osos had a population of 15,500 people with a median age of 47.6 and a median household income of \$91,902. The three largest ethnic groups in Los Osos are White (Non-Hispanic) at 73.3%, White (Hispanic) at 8.25%, and Multiracial and Other (Hispanic) at 9.68%. In Los Osos, 18.3% of the people are Hispanic.

The information on demographics came from census data, the EJSscreen tool, and the Estuary Program's Equity Strategy that was developed in 2022 to help guide programmatic decisions related to equity and environmental justice.

List of Relevant Staff Members and Contact Information:

- Monitoring Projects Manager: monitoring.support@MBNEP.org
- Restoration Coordinator: restoration.support@MBNEP.org
- Education and Outreach Coordinator: outreach.support@MBNEP.org
- Non-Discrimination Officer, Melodie Grubbs: ndo@MBNEP.org

List of Past/Present Concerns: To date, no complaints have been filed regarding public participation access to Estuary Program meetings. Any complaints would be added to this section of this document.

Detailed Plan of Action to Address Concerns: If a concern is brought to the program, the complainant will be directed to contact the organization's NDO, and their name, email address, and phone number will be provided. Any complaint will be investigated as appropriate. If the complaint involves program employees, the proceedings might be considered confidential. An appropriate response will be developed and implemented within 30 days. For details on grievance procedures, see the section above titled *Grievance Procedures to Process Discrimination Complaints Filed under the Federal Non-Discrimination Laws*.

Contingency Plan for Unexpected Events: Unexpected events are often weather related, such as storms and flooding. Power outage would also impact events. Staff are instructed to use their best judgment given the circumstances, which include canceling and rescheduling an event, particularly if there are safety concerns. Notification of cancellation or rescheduling would be publicized via social media, announced on the website calendar of events, and if registration was required, all registered individuals would be notified via email.

Locations for Public Meetings: The Estuary Program typically hosts public meetings in its offices in Morro Bay. Other locations in the past for public meetings and events have included the Morro Bay Community Center, the Los Osos Community Center, the SLO Botanical Garden, Cuesta College, and businesses such as restaurants throughout the watershed. Events are also occasionally held in nearby San Luis Obispo.

While public transportation is limited in SLO County, 2022 census data indicates that the average number of cars per household is two. If required, resources for those needing public transportation are:

- SLO Regional Transit Authority: <https://www.slorta.org/schedules-fares/>
- City of Morro Bay Transit: <https://www.morrobayca.gov/293/Transit>
- City of SLO Transit: <https://www.slocity.org/government/department-directory/public-works/slo-transit>

Accessibility of Public Meetings: The Bay Foundation and Executive Committee hold regularly scheduled public meetings. The Executive Committee meets quarterly in February, May, August, and November on the third Wednesday of the month from 4 to 6 p.m. via Zoom and in person at the Estuary Program offices. The Bay Foundation meets monthly, typically ten times a year, on the second Wednesday of the month from 5 to 7 p.m. via Zoom and in person at the Estuary Program offices. The meeting location, dates, and times are publicized via the Estuary Program website at www.mbnep.org/our-board-committees/. The office is accessible for persons with disabilities. The meetings are open to the public and are not limited to board or committee members. If members of the public wish to discuss an item that is not on the agenda, there is an item in the agenda for agenda revisions.

Accessibility of Public Events: The program hosts a variety of public events, including volunteer events, science talk presentations, field trips, and workshops. The following factors are taken into consideration for each event:

- Time of year: Consider the time of year for factors that would limit availability such as holidays and local school calendars.
- Day of the week: Consider holidays, local events, the school week, etc.
- Time of day: Consider the bus routes, the average workday hours, school hours, etc.
- Duration of event: Consider childcare costs, the average workday hours, etc.
- Location: Consider access to the venue by public transportation, proximity to the general audience, etc.
- Venue accessibility: Consider ramps, elevators, parking, bus routes, and terrain.
- Advertising/marketing of event: Post on local event calendars, Estuary Program website and Eventbrite, post flyers around local communities, post on social media, etc.
- Size of event: Consider how many people the venue can accommodate, if sound amplification is needed, parking availability and costs, etc.
- Physical demands of event: Provide options for each event to be hands-on and physically intensive or less physically intensive, especially for volunteer events.

Resources for Language Assistance Services for Limited-English Proficient Persons:

- Linguabee: <https://www.linguabee.com/locations/california/san-luis-obispo-interpreting-services/>
 - o On-site American Sign Language (ASL) services, all other services not in-person: captioning, virtual interpreting, on-demand video remote interpreting (VRI), and over the phone interpreting.
- US Language Services LLC: <https://www.uslanguageservices.com/california/san-luis-obispo-translation-services/>
 - o Document translation services for many languages
- Boostlingo: <https://boostlingo.com/>
 - o Provides virtual translation services asynchronous and synchronous during events

- Rapid Translate: <https://www.rapidtranslate.org/>
 - o Document translation services
- Translated.com: <https://translated.com/welcome>
 - o Document translation services

List of Appropriate Local Media Contacts:

- Local news sources we are in regular contact with:
 - o KSBY: news@ksby.com
 - o The Tribune: calendar@thetribunenews.com
 - o Atascadero News, Paso Robles Press, Morro Bay Life, Central Coast Journal, Paso Robles Magazine: editor@13starsmedia.com
 - o Estero Bay News: editor@esterobaynews.com
- Spanish news sources:
 - o Amigos805.com: frank@amigos805.com
 - o Latino Times: latinotimes@latinotimes.com

Location of These Resources: The non-discrimination resources of the program are available on the program website at MBNEP.org/nd-resources and in the website library at library.mbnep.org

Non-Discrimination Statement for Public Events: When advertising public events, the following non-discrimination statement will be included:

The Estuary Program strives to provide equitable access to all of our events. Our goal is to create a welcoming and comfortable space for everyone. We seek to provide reasonable accommodations for event participants, including but not limited to providing access for those with differing languages, physical abilities, and hearing or vision impairment. If you have any accessibility requests, questions, or concerns, please reach out at outreach.support@mbnep.org. While some accommodations may not be possible due to the nature of certain events, we will do our best to make accommodations given reasonable lead time and availability of resources.

Meaningful Access to Programs and Activities for Persons with Limited English Proficiency

This portion of the document serves as the organization’s Language Access Plan.

Analysis to determine languages needed: Analysis conducted during development of the program Equity Strategy identified Spanish as the language needed to increase language access in our watershed. See section above titled *Description of Community*.

How Determine Extent of Obligation to Provide LEP Services: Staff will utilize the four-factor assessment to determine meaningful access.

Factor 1. Proportion of LEP Persons Served: Per the Equity Strategy analysis, Spanish has been identified as the language service that recipients are most likely to need in the Morro Bay watershed. Although the program has had no prior experiences with LEP encounters, this assessment is supported by the census data and analysis from EJScreen, the federal Environmental Justice Screening and Mapping Tool.

Factor 2. Frequency of Contact with LEP Persons: In assessing the frequency the program has contact with LEP individuals, this has been non-existent in the past and thus a less intensified solution is needed.

Even organizations that infrequently serve LEP must have a plan to address this contact. The Estuary Program has compiled a list of available resources for translation both in person and of existing program materials in preparation for a possible request for translations. The program is prepared for the possibility that appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups.

Factor 3. Nature/Importance of Program: The more important the activity, information, or program, the greater the possible consequences to the LEP individuals. Examples include contaminated drinking water or airborne toxic chemicals. As the Estuary Program is never imparting this type of information, the delay of access to services is not as critical as it would not have serious or life-threatening implications for the LEP individual.

Factor 4. Resources Available to the Recipient and Costs: The program's resources impact the steps it should take, as smaller projects with limited budgets aren't expected to provide the same level of language services as larger recipients. "Reasonable steps" may not be reasonable where the costs substantially exceed the benefits. Often technological advances can minimize these impacts (e.g., telephonic and video conference interpretation services). The program should determine the most cost-effective means of delivering accurate translations. These can be provided either orally through "interpretation" or in writing through "translation." Which of these are used depends on the urgency of the communication, and as the Estuary Program is not involved in public health, emergency services, etc., it is unlikely that real-time services are needed.

Selecting Language Assistance Services: Quality and accuracy of services provided must be high. Under these policies, the Estuary Program has substantial flexibility in determining what is appropriate. For oral language services, interpreters must be selected based on their competence, demonstrated proficiency, knowledge of both languages used for communication (English and the other language), knowledge of specialized terms or concepts related to the organization's work, knowledge of the confidentiality and impartiality rules, and their ability to not deviate from their role of interpretation into that of an expert. Hiring bilingual staff or staff interpreters are not likely to be necessary. Contracting for interpreters, using telephone interpreter lines, using video teleconferencing, and using community volunteers are all possibilities for Estuary Program and potential resources have already been identified to provide these services. Sometimes the LEP person's family or friends can act as interpreters, which is appropriate for the Estuary Program as sensitive and confidential information is never being shared. If the LEP person chooses to use a minor as an interpreter, caution should be exercised as this can introduce issues of competency, confidentiality, and conflict of interest. The program should ensure that the LEP person's choice is voluntary and that they're aware of possible problems. An LEP person may voluntarily opt to provide their own interpreter. In this case, the Estuary Program will document that choice. For written translation, potential materials for translation include consent and complaint forms, notices advising LEP persons of free language assistance, and applications to participate in an Estuary Program's program or activity. Again, as the Estuary Program does not provide information on public health, emergency services, and awareness of rights and services, the information is not considered to be "vital," and "meaningful access" of the LEP population is not as critical. If the Estuary Program is ever in the position of providing "vital" information, the program will develop appropriate interpretation and translation services to support LEP persons and regularly assess the needs of the population to determine if critical outreach materials should be translated. If a document contains both vital and non-vital information, the information translated may be limited to information on how to obtain an interpretation or translation of the document. While Spanish is the primary language likely needing translation, the community includes LEP persons who speak dozens of different languages. While translating all written

materials into all those languages is unrealistic, lack of resources does not relieve the program of obligation to translate documents into at least some of the frequently encountered languages, and the program would set benchmarks for continued translations over time. The program's obligation to provide written translations of documents should be considered on a case-by-case basis and depends in part on the expected lifetime of the document. Safe harbor requirements obligations do not apply to the program and our activities.

Timeline for Review and Updating: This LEP plan will be reviewed annually for maintenance and updates to document compliance and provide a framework for providing language assistance services.

Identifying LEP Individuals Who Need Language Assistance: Interactions with LEP members of the public will be recorded to help staff identify the language of LEP individuals they encountered and to support future support. If appropriate, staff may post signs in commonly encountered languages notifying LEP persons of language assistance to encourage them to self-identify. In appropriate venues, the Census Bureau "I speak cards" can be used to help identify languages spoken by attendees at program events. These are available at <https://www.fns.usda.gov/civil-rights/ispeak>. Other resources for assisting in identifying support for LEP individuals are available at <https://www.lep.gov/translation>

Language Assistance Measures: See below for lists of language assistance services.

Training Staff: All staff will review the Language Access Plan and understand its procedures. Staff who have regular contact with the general public are trained to work effectively with interpreters and translators. Management staff are fully aware of and understand the plan so they can ensure it is implemented correctly by staff.

Providing Notice to LEP Persons: Once the program has decided to provide language services, it's important to let LEP persons know that those services are available free of charge. This should be posted in languages LEP individuals will understand. Examples for notification could include posting signs in entry areas and points, stating in outreach documents that language services are available, working with community-based organizations to inform LEP individuals of the services, etc.

Monitoring and Updating the LEP Plan: The program will on an annual basis review whether new documents, programs, and activities need to be made accessible to the LEP public. Staff should consider changes in demographics, services needed, etc. to determine if the plan needs updating. This could be necessitated if the analysis of the plan notes changes in current LEP populations in our area, frequency of encounters of LEP language groups, availability of resources including technological advances, whether existing assistance meets the needs of LEP persons, whether staff understands how to implement the LEP plan, and whether resources identified in the plan are still available.

Voluntary compliance effort: EPA works cooperatively with its recipients to ensure compliance. If a complaint is made, EPA will attempt to resolve it through informal means whenever possible. EPA acknowledges that the implementation of a comprehensive language action plan is a process and that a system will evolve over time as it is implemented and reevaluated.

Translate vital documents into prominent languages: The Estuary Program's online library has a statement that anyone may request translation of library materials. Vital documents that will be translated into Spanish include the CCMP Snapshot, the Estuary Program volunteer waiver, and the Morro Bay Estuary map brochure. All webpages can be translated via the web browser.

Translate vital documents of individual interest to LEP individuals: Upon request, we will have documents translated into the requested language. As stated in Factor 4 of the four-step assessment, the program's resources impact the steps it should take, as smaller projects with limited budgets aren't expected to provide the same level of language services as larger recipients. "Reasonable steps" may not be reasonable where the costs substantially exceed the benefits. Whenever possible, the program should determine the most cost-effective means of delivering accurate translations. These can be provided either orally through "interpretation" or in writing through "translation." Which of these are used depends on the urgency of the communication, and as the Estuary Program is not involved in public health, emergency services, etc., it is unlikely that real-time services are needed. The program will respond to reasonable requests, depending on program capacity.

Provide for simultaneous oral interpretations of live proceedings in prominent languages: There are limited in-person translation services in SLO County. The following services could be employed for virtual interpretations of live proceedings in many different languages:

- Linguabee: <https://www.linguabee.com/locations/california/san-luis-obispo-interpreting-services/>
 - o On-site ASL services, all other services not in-person: captioning, virtual interpreting, on-demand VRI, over the phone interpreting, and video remote interpreting.
- Boostlingo: <https://boostlingo.com/>
 - o Provides virtual translation services asynchronous and synchronous during events

Provide for simultaneous interpretation of proceedings, minutes, etc. for individual LEP person participating in our activities: See list above for simultaneous oral interpretations of live proceedings.

Meaningful Access to Programs and Activities for Persons with Disabilities

The Estuary Program is committed to providing persons with disabilities equal opportunity to participate in or benefit from its programs, services, and activities through its compliance with Section 504 of the Rehabilitation Act of 1973.

The program recognizes that persons with disabilities may need reasonable modifications to have equal opportunities to participate in or benefit from our programs, services, and activities.

It is our program's policy that no otherwise qualified individual with a disability will be denied access to or participation in any program, service, or activity we offer. We will administer programs, services, and activities in the most integrated setting appropriate to the needs of qualified persons with disabilities.

The program will provide at no cost appropriate auxiliary aids and services where necessary to afford people with disabilities an equal opportunity to participate in and benefit from the programs, services, and activities we provide. Auxiliary aids and services may include qualified interpreters to individuals who are deaf or hard of hearing and must be provided in a timely manner and in such a way as to protect the privacy and independence of the individual.

Persons with disabilities have a right to request reasonable modifications to allow them to participate in or benefit from our services and activities.

Our program and any of its agents will not coerce, intimidate, retaliate against, or discriminate against any individual for exercising a right under Section 504, or for assisting or supporting another to exercise a right under Section 504.

Definitions:

Disability means, with respect to an individual:

1. a physical or mental impairment that substantially limits one or more of the person's major life activities;
2. a history of such an impairment; or
3. being regarded as having such an impairment.

The definition of “disability” shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of Section 504. The question of whether an individual meets the definition of “disability” should not demand extensive analysis.

Qualified Individual with a Disability is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by our program.

Non-Discrimination Officer

The Non-Discrimination Officer will coordinate our program’s efforts to comply with Section 504, including ensuring the following:

Our program will adopt and make readily available in suitable formats (*e.g.*, enlarged, Braille, audio-taped, etc.):

- a procedure that allows an individual to request reasonable modifications or auxiliary aids or services needed to obtain equal access to and enable participation in the Organization’s programs, services, and activities;
- a procedure for maintaining personal information in a manner that protects the privacy and independence of the individual; and
- a procedure for providing modifications and auxiliary aids or services.

Our program will maintain data on the nature and extent of the services provided to persons with disabilities and develop data collection requirements as part of the operational guidelines for implementing this policy.

Our program will administer our programs, services, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

Our program will utilize the grievance procedures set forth in its nondiscrimination program and policy for providing prompt and equitable resolution of complaints alleging any action that would violate Section 504. These procedures should be applicable to any anticipated complaint, including an appeal of a denied request for reasonable modifications or auxiliary aids or services.

Our program will provide auxiliary aids or services that are required to comply with Section 504 free of charge.

Our program will provide periodic in-service training for faculty and staff to develop their awareness and understanding of the needs of persons with disabilities and legal compliance issues.

Program Accessibility

Consistent with our program's self-assessment, we will consider the extent to which any of our facilities are "public facilities" or will be used by the public. We will operate our programs and activities out of those facilities consistent with 40 C.F.R. § 7.65 so that, when each program or activity is viewed in its entirety, it is readily accessible to and usable by persons with disabilities.

- Existing Facilities:

- Structural changes in existing facilities are not required when other methods provide program accessibility. Such methods include:
 - Redesigning equipment or the facility after case review.
 - Providing appropriate signage directing people to accessible features.
 - Reassigning staff or services to accessible sites.
- Evacuation procedures will be developed by our program for persons with disabilities.

- New Construction and Alterations:

- Each facility or part of a facility constructed by, on behalf of, or for the use of our organization must be designed and constructed in such a manner that the facility is readily accessible to and usable by persons with disabilities. Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by persons with disabilities.

- Off Campus:

- Contractual or lease agreements for the use of non-program facilities should ensure that any program, service, or activity of our program in that facility is accessible. If a program, service, or activity is not wholly operated by Recipient, our organization will attempt to assure that these programs, services, or activities, as a whole, provide an equal opportunity for the participation of persons with disabilities.

Reasonable Modifications and Auxiliary Aids and Services:

No one with a disability in our organization's program, service, or activity will be denied the benefits of, be excluded from participation in, or be otherwise discriminated against in the provision of services available to all individuals in general.

Each individual is responsible for making requests regarding reasonable modifications or auxiliary aids or services to meet their particular needs to enable our organization to provide an appropriate response to the request. However, the failure to request a reasonable modification or auxiliary aid or service does not always excuse the organization from providing a reasonable modification or auxiliary aid or service, as long as it does not result in a fundamental alteration or undue burden.

All auxiliary aids, services used by persons with disabilities to provide access to our programs, services, and activities need not be on hand or present at all times.

An organization does not need to provide a reasonable modification or auxiliary or service that would fundamentally alter the nature of the program, service, or activity, for example, requiring waiver of essential program or licensure requirements; violating accreditation requirements; or posing an undue administrative burden on our organization.

In determining reasonable modifications or appropriate auxiliary aids or services, our organization considers the wishes of the individual.

Our organization will not require an individual with a disability to accept a modification, aid, service, opportunity, or benefit under any circumstances.

- Provide at no cost auxiliary aids and services to ensure effective communication and equal opportunity to participate fully in the benefits, activities, programs, and services in a timely manner and in such a way as to protect the privacy/independence of the individual: The Estuary Program will provide reasonable accommodations with enough lead time to provide services such as no cost auxiliary aids, sound amplification, and translation services. In some unavoidable circumstances where the primary activity cannot accommodate these services, alternative activities may be prepared that would be able to accommodate certain disabilities.

Ensure facilities used are physically accessible for those with disabilities: For certain events including volunteer restoration, monitoring, and cleanup events, the Estuary Program will take the following into consideration when picking a location (note that many volunteer activities have non-negotiable locations due to the nature of the event type):

- Parking accessibility and costs
- Availability of public transportation to the site
- Terrain to access the site and the terrain of the activity
- Safety hazards for disabilities such as hearing and vision impairment and physical disabilities

When able, the Estuary Program will provide alternate activities for persons with disabilities. Not all activities are fully accessible to all persons given the nature of physical volunteer activities. Safety will be the highest priority when organizing primary and alternate activities.