

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

# Environmental Permit Performance Report for Fiscal Year 2012

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150-Day Permit Decision Goal

August 1, 2012

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## Background

The mission of the Minnesota Department of Natural Resources (DNR) is to work with citizens to conserve and manage the state's natural resources, to provide outdoor recreation opportunities, and to provide for commercial uses of natural resources in a way that creates a sustainable quality of life. In accomplishing this mission, DNR implements a wide range of regulatory tools created by the Minnesota Legislature. Many of DNR's regulatory authorities have been in place for decades; other authorities have been enacted more recently to deal with new or emerging resource management issues and concerns. It is appropriate to review and adjust regulatory programs over time to ensure that they continue to effectively address the needs of the state. This includes prioritizing efforts, taking advantage of new technologies and refining business processes. The DNR is committed to maintaining a modern, efficient and effective regulatory system.

This report is completed in fulfillment of requirements set forth by the Minnesota Legislature in MS 84.027, Subd. 14a.

## Scope of Report: Environmental and Natural Resource Permits

This report will address the following natural resource permits:

- Public waters work permits
- Water appropriation permits
- Metallic mineral mining permits (ferrous and non-ferrous)
- Peat mining permits
- Endangered or threatened species taking permits
- Aquatic plant management permits

As outlined in preceding reports, these are the permits that are relevant to the concerns underlying MS 84.027 Subd. 14a. Other permit programs administered by the DNR, which are primarily associated with the oversight of recreational activities such as hunting and fishing, are outside the scope of this report.

## Summary Statistics for 150-Day Goal Attainment

DNR continued to achieve better than a 99 percent attainment rate with respect to the 150-day permit decision goal during the fiscal year 2012 (July 1, 2011 to June 30, 2012). This continues the strong performance as reported in the interim report for fiscal year 2012 submitted on February 1, 2012. Table 1 outlines DNR performance on permit decision time lines. During the fiscal year, DNR received a total of 8,277 permit applications, deemed 8,023 permit applications complete and made 7,919 permit decisions. The DNR missed the 150-day goal on eleven permits (including those reported in the

February 1, 2012 report) during the reporting period. As of the date of this report, ten of those eleven permits had been issued. The remaining permit decision is pending and subject to the applicant securing legal control of the project site. Permit performance by program is outlined in Table 1. Causes for delay of the permits that exceeded the 150-day goal are included in Table 2.

Permitting programs operate on a continuous basis. The report includes events that occurred during the reporting period. All permit decisions that occurred during the reporting period are reported here, even if the permit application and determination of a complete application occurred in the previous reporting period. Similarly, all permit applications that occurred during the reporting period are reported here, even if completeness or permit application review carries over into the following reporting period. Because the process for some permits crosses over reporting periods, applications, determinations of complete application and permit decisions do not perfectly correspond within any given reporting period. DNR reports do account for every permit subject to the 150-day goal.

**Table 1: Summary Statistics for the Period of July 1, 2011 through June 30, 2012.**

	Number of application and amendment requests received during the reporting period	Number of application and amendment requests deemed complete during the reporting period for requests received after 3/3/2011	Number of final permitting decisions made during the reporting period for requests received after 3/3/2011	Median number of days to permit decision, where decisions have been made		Number of application and amendment requests where the files have been deemed complete for more than 150 days with no decision	Number of Application or Amendment Decisions made during the reporting period that took more than 150 days
				New Permit	Permit Changes		
Water Appropriations	862	698	710	3	11	0	6
Public Waters Work	798	749	743	13	18	0	3
Aquatic Plant Management	6,542	6,505	6,398	5	6	0	1
Endangered Species Takings	64	62	62	4	NA	0	0
Mine – Iron Ore and Taconite	8	7	5	102 (mean)	116 (mean)	1	0
Mine – Non-Ferrous Metallic Minerals	0	0	0	NA	NA	0	0
Mine – Peat	3	2	1	NA	79	0	0

Data reported only includes permits applied for on or after March 4, 2011.

**Table 2. Causes for Delay on Permit Decisions Taking Longer than 150 Days**

PERMIT	TYPE	Days to Complete	Days to Determine Complete Application from Initial Submission	File Complete Date	Final Decision Date	Final Status	Responsiveness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement	Level of public engagement	Other
2011-0419	Water Appropriation	168	9	3/17/2011	9/1/2011	Issued		Caused by lack of staff and the State Shutdown - Issue now resolved			
2011-0581	Water Appropriation	174	33	6/24/2011	2/15/2011	Issued		Caused by lack of staff and the State Shutdown - Issue now resolved			
2011-0575	Water Appropriation	238	22	6/2/2011	1/26/2012	Issued	Needed to negotiate monitoring requirements		Additional time to review needed due to complex technical issues.		
2011-0576	Water Appropriation	238	22	6/2/2011	1/26/2012	Issued	Needed to negotiate monitoring requirements		Additional time to review needed due to complex technical issues		

PERMIT	TYPE	Days to Complete	Days to Determine Complete Application from Initial Submission	File Complete Date	Final Decision Date	Final Status	Responsiveness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement	Level of public engagement	Other
2011-0577	Water Appropriation	238	22	6/2/2011	1/26/2012	Issued	Needed to negotiate monitoring requirements		Additional time to review needed due to complex technical issues		
2011-0578	Water Appropriation	270	22	6/2/2011	2/27/2012	Issued	Needed to negotiate monitoring requirements		Additional time to review needed due to complex technical issues		
2011-0501	Public Waters Work	224	20	5/3/2011	12/13/2011	Issued		Caused by heavy workload of field staff in that part of state - Issue now resolved			
2012-0132	Public Waters Work	156	10	9/21/2011	2/24/2012	Issued			Additional information discovered needed after application declared complete		

PERMIT	TYPE	Days to Complete	Days to Determine Complete Application from Initial Submission	File Complete Date	Final Decision Date	Final Status	Responsiveness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement	Level of public engagement	Other
2012-0379	Public Waters Work	191	1	11/22/2011	5/31/2012	Issued					Permit application was for DNR Fisheries, who didn't need it until it was actually issued
12F-30B046	Aquatic Plant Management /Automated aquatic plant control device	168	0	1/30/2012	7/16/2012	Issued	During the inspection, DNR discovered unauthorized removal of emergent vegetation. Permit was issued after resolution of enforcement issues.				
Mesabi Chief Basin #1 (Magnetation LLC)	Permit to Mine (New)	Not Complete	97	1/31/2012	NA	Not issued					Company does not control land and must secure control prior to issuance.



## DNR Actions and Planned Actions

DNR has consistently achieved at least 99% compliance with the 150-day permitting goal since first reporting on the 150-day goal on August 1, 2011. However, the DNR continues to seek to improve overall permitting efficiency performance.

### Efforts Being Undertaken by DNR:

- DNR has increased coordination between Lands and Minerals and Ecological and Water Resources permitting programs on mining projects to make project permitting more seamless.
- The 2012 Legislature gave DNR increased authority to use general permits for water appropriation and work in public waters. DNR has been developing new general permits for those permit programs.
- DNR secured Clean Water Legacy funding for phase one of an online permitting system for water appropriation and public water work permits. The system is planned to be operational on July 1, 2013.
- DNR has expanded coordination with other agencies through the Mining Sub-Cabinet and Minnesota Business First Stop initiatives.

### Planned Actions to be Undertaken by DNR:

Actions planned to be taken by the DNR fall into two categories: 1) continuation of streamlining efforts already underway as described above, and 2) addressing 2012 legislative changes to the 150-day goal.

DNR continues to work on a statewide bridge and culvert general permit, a major component of DNR water permitting work load. The second phase of the on-line permitting, which will speed water appropriation permitting, will be pursued pending available funding.

DNR will modify its tracking and reporting of permitting efficiency to comply with legislative changes made during the 2012 Legislative Session. MS 84.027, Subd. 14a was amended, effective August 1, 2012, to measure the 150-day permitting goal from the date of initial application, regardless of completeness or adequacy of the application. It will be more difficult for the DNR to make decisions within 150 days of receiving an application if it is incomplete or inadequate. DNR will identify incomplete permit applications in future reports to enable accurate evaluation of the agency's success in meeting the 150-day goal.

DNR currently meets with many permit applicants before submission of an application and also after the application is submitted. The DNR will increase this focus to ensure applicants know exactly what is required in order for the application to be complete so that the DNR can make timely final permit decisions. This will help ensure that applications are complete and adequate when submitted, or shortly thereafter, and ready for a final decision within the 150-day goal.