

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

# Environmental Permit Performance: Interim Report for Fiscal Year 2013

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150- Day Permit Decision Goal

February 1, 2013

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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. 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

The Minnesota Legislature amended MS 84.027, Subd. 14a in 2012. The Legislature amended the permitting timeliness goal from making a decision within 150 days of a complete application to making a decision within 150 days of an initial application. Table 1 outlines the DNR's performance on permit decision time lines. During the first half of fiscal year 2013, the DNR received a total of 1,254 permit applications, deemed 1,327 permit applications complete and made 1,373 permit decisions. The vast majority of permit decisions, approximately 92%, were made within 150 days of initial application. Over

99% of permit decisions were made within 150 days of a complete application. Timeliness for the typical permit applications continues to be strong, with median time to a permit decision being less than two weeks for most DNR permitting programs.

As anticipated, permit decisions within 150 days of an initial application is a more challenging goal than decisions within 150 days of a complete application. Many initial permit applications are incomplete or inadequate. Additional time is required to secure the necessary information from the applicant. Of the 111 permit decisions that exceeded the 150-day goal, 104 were delayed primarily because of incomplete applications. This report does not enumerate the specific permits where incompleteness was the primary cause of extended permit decisions. The seven permit decisions that took longer than 150 days from a complete application and the reasons for missing that target are listed in Table 2.

The reader may notice that the number of permit decisions during this reporting period exceeded the number of permit applications deemed complete and permit applications received. The report documents permitting events that occur during the reporting period. Since permit programs take application on a continuous basis, the process for many specific permits crosses reporting periods. The statistics for this period reflect a relatively higher rate of applications in the time preceding the start of this reporting period.

**Table 1: Summary Statistics for the Period of: July 1, 2012 to December 31, 2012**

Permit program	Permit applications received	Permit applications deemed complete*	Final permit decisions				Median days to decision from complete application	
			Total Decisions Made*	Decisions Made Within 150 days of initial application	Exceeding 150 days from initial application		New applications	Permit modifications
					Within 150 days of complete application	Exceeding 150 days from complete application <sup>†</sup>		
Water Appropriations	273	343	390	308	78	4	5	13
Public Waters Work	540	548	576	550	26	0	8	12
Aquatic Plant Management	427	424	392	392	0	0	5	NA
Endangered Species Takings	10	10	10	10	0	0	10	NA
Mine – Iron Ore and Taconite	3	1	3	1	0	2	210 (mean)	7
Mine – Non-Ferrous Metallic Minerals	0	0	0	0	0	0	0	0
Mine – Peat	1	1	2	1	0	1	0	140 (mean)
Total	1,254	1,327	1,373	1,262	104	7	NA	NA

\*Note: These numbers may include applications made during the prior reporting periods.

<sup>†</sup> See Table 2 for specific reasons where permit decisions took more than 150 days to make once permit applications were complete.

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

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal				
				Responsiveness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement	Level of public engagement	Other
2012-0795	Water Appropriation	151	Issued		X			
2012-1019	Water Appropriation	161	Issued	X				
2012-1031	Water Appropriation	182	Issued	X				
2012-0803	Water Appropriation	216	Issued		X	X		
Plummer	Scram (ferrous) Permit	196	Issued	X				
Mesabi Chief #1	Scram (ferrous) Permit	237	Issued	X				
Hawkes	Peat Expansion	224	Issued	X				

## Appendix: Cost of Report Preparation

### LEGISLATIVE REPORT – Cost of Preparation

NAME OF LEGISLATIVE REPORT – Environmental Permit Performance: Interim Report for Fiscal Year 2013

Based on: Legislative Direction

Minnesota Statute Reference: MS 84.027 Subd. 14a

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Description of Cost	Further explanation if necessary	Amount
Project Staff	Approximately 20 hours to compile, provide data quality assurance and to prepare and review report.	\$1,350
Duplication Cost (includes paper)		\$5
<b>TOTAL TO PREPARE REPORT</b>		
<i>(Note: Right click on amount cell and choose update to complete)</i>		\$1,355.00