

MINNESOTA DEPARTMENT OF NATURAL
RESOURCES

Environmental Permit Performance:
Report for Fiscal Year 2017
150-Day and 90-Day Permit Decision Goals



August 30th, 2017

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Background

The Minnesota Department of Natural Resources' (DNR) mission 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. The DNR uses a wide range of programs to fulfill this mission, including permitting programs established by the Minnesota Legislature. Many of these have been in place for decades. More recently, the Legislature has created other programs to address new resource management concerns. It is important to review regulatory programs over time to ensure that they continue to address the needs of the state. The DNR is committed to maintaining a modern, efficient and effective regulatory system.

This report meets the requirements of Minnesota Statute (MS) 84.027, Subd. 14a.

Scope of Report: Environmental and Natural Resource Permits

The DNR is reporting on the following natural resource permits:

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

These permits are relevant to the concerns underlying MS 84.027 Subd. 14a. This report does not include other DNR permit programs that focus mainly on recreational activities such as hunting and fishing.

Summary Statistics for 150-Day and 90- Day Goal Attainment

The DNR's goal is to approve or deny permit applications within 90 days of receiving an initial application (Tier 1 permit applications) or within 150 days of receiving an initial application (Tier 2 permit applications). Tier 1 permit applications, which are subject to the 90-day goal, include general permits for work in public waters in addition to water appropriation and aquatic plant management permit renewals that do not require a site inspection. The remaining permit types listed above fall into Tier 2 and are thus subject to the 150-day goal. The DNR manages a large number of permit applications. DNR permitting activity for fiscal year 2017 included:

- 425 permit applications in progress on July 1, 2016,

- 7,300 new applications received,
- 6,617 applications approved or denied,
- 485 applications withdrawn, and
- 623 applications in progress after June 30, 2017

DNR continued to do well with its permitting goals. However, we continue to find that many permit applications are not filled out correctly, and DNR staff must spend time getting the additional information. This can delay permitting decisions. Table 1 summarizes how well DNR met its 90-day goal for Tier 1 applications and Table 2 summarizes how well DNR met its 150-day goal for Tier 2 applications.

Of the 3,455 Tier 1 permit applications where a decision was made in fiscal year 2017:

- 3,409 Tier 1 permit applications, 98.7%, were approved or denied within 90 days of receiving an initial application
- 3,447 Tier 1 permit applications, 99.8%, were approved or denied within 90 day of receiving a complete application
- 8 Tier 1 permit applications, less than 0.5%, took longer than 90 days to approve or deny following a complete application

Of the 3,162 Tier 2 permit applications where a decision was made in fiscal year 2017:

- 2,993 Tier 2 permit applications, 94.7%, were approved or denied within 150 days of receiving an initial application
- 3,081 Tier 2 permit applications, 97.4%, were approved or denied within 150 days of a receiving a complete application
- 81 Tier 2 permit applications, 2.6%, took longer than 150 days to approve or deny following a complete application

Table 3 shows the causes of delay for the 8 Tier 1 permit decisions that took more than 90 days from a complete application for a DNR decision. Table 4 shows the causes of delay for the 81 Tier 2 permit decisions that took more than 150 days from a complete application¹ for a DNR decision. Incomplete applications were the primary cause for the permits that were not approved or denied within 90/150 days of initial application.

¹ The mine permit program lists additional permits where the decision exceeded 150 days from initial application. All other programs list permits where the decision exceeded 150 days from a complete application.

Table 1: Summary Statistics for Tier 1 Permits (90 days)

7/1/2016 – 6/30/2017

Permit Program	Permit applications Received	Active applications carried over from previous period	Permit applications deemed complete	Total decisions made	Decisions made within 90 days of initial application	Exceeding 90 days from initial application but within 90 days of a complete application	Exceeding 90 days from a complete application	Withdrawn applications	Active applications at the end of reporting period	Median days to decision from complete application: new applications	Median days to decision from complete application: permit modifications
Water Appropriations	527	25	536	482	464	16	2	47	23	3	1
Public Waters Work	275	33	282	257	234	20	3	16	35	15	1
Aquatic Plant Management ²	2790	0	2780	2716	2711	2	3	59	15		1
Endangered Species Takings											
Mine – Iron Ore and Taconite											
Mine – Non-Ferrous Metallic Minerals											
Mine – Peat											
Total	3,592	58	3,598	3,455	3,409	38	8	122	73	N/A	N/A

² Aquatic Plant Management Permits includes Restoration permits.

Table 2: Summary Statistics Tier 2 Permits (150 days)

7/1/2016 – 6/30/2017

Permit Program	Permit applications Received	Active applications carried over from previous period	Permit applications deemed complete	Total decisions made	Decisions made within 150 days of initial application	Exceeding 150 days from initial application but within 150 days of a complete application	Exceeding 150 days from a complete application	Withdrawn applications	Active applications at the end of reporting period	Median days to decision from complete application: new applications	Median days to decision from complete application: permit modifications
Water Appropriations	784	159	791	658	585	39	34	111	174	54	4
Public Waters Work	722	192	704	575	511	41	23	124	215	34	15
Aquatic Plant Management ³	2165	0	2120	1895	1874	0	21	127	143	7	0
Endangered Species Takings	25	6	30	30	22	6	2	0	1	31	
Mine – Iron Ore and Taconite	9	8	7	3	1	1	1	1	13		40
Mine – Non-Ferrous Metallic Minerals	1	0	0	0	0	0	0	0	1		
Mine – Peat	2	2	1	1	0	1	0	0	3	127	
Total	3,708	367	3,653	3,162	2,993	88	81	363	550	N/A	N/A

³ Aquatic Plant Management permits includes Restoration permits.

Table 3: Causes for Delay on Permit Decisions Taking Longer than 90 Days (Tier 1 Permits)⁴

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal: Responsive-ness of the Proposer	Reason for Not Meeting Goal: Lack of Staff	Reason for Not Meeting Goal: Scientific/ Technical Disagreement	Reason for Not Meeting Goal: Level of public engagement	Reason for Not Meeting Goal: Other
2016-1011	Water Appropriation	0	Permit Issued					X
2016-2275	Public Waters Work	5	Permit Issued				X	
2016-1937	Public Waters Work	7	Permit Issued					X
2017-0101	Public Waters Work	14	Permit Issued					X
2017-0087	Water Appropriation	40	Permit Issued					X
16F-1A0307	Aquatic Plant Management	0	Permit Renewed					X
16F-1A0522	Aquatic Plant Management	0	Permit Renewed					X
16F-1B0626	Aquatic Plant Management	0	Permit Renewed					X

⁴ The list of permits only includes Tier 1 permits that exceeded 90 days from a complete application.

Table 4: Causes for Delay on Permit Decisions Taking Longer than 150 Days (Tier 2 Permits)⁵

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsiveness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical Disagreement	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2014-1861	Water Appropriations	1	Permit Issued			X		
2016-0462	Public Waters Work	1	Permit Issued			X		
2015-0278	Water Appropriations	2	Permit Amended			X		
2016-0375	Water Appropriations	2	Permit Issued					X
2016-0489	Water Appropriations	2	Permit Issued					X
2001-4023	Water Appropriations	5	Permit Issued					X
2014-1288	Public Waters Work	5	Permit Amended					X
2015-2563	Water Appropriations	6	Permit Issued			X		
2016-0603	Water Appropriations	6	Permit Issued			X		
2016-1891	Public Water Work	6	Permit Issued					X
2007-0719	Water Appropriations	7	Permit Amended			X		
2014-1356	Public Water Work	9	Permit Issued					X
2015-1013	Water Appropriations	9	Permit Issued		X	X		

⁵ The mine permit program lists permits where the decision exceeded 150-days from initial application. All other programs list permits where the decision exceeded 150-days from a complete application.

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsiveness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical Disagreement	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2015-2414	Public Water Work	10	Permit Issued			X		
2016-0870	Public Water Work	10	Permit Issued					X
2016-0871	Public Water Work	10	Permit Issued					X
2015-2785	Water Appropriation	11	Permit Issued			X		
2015-1254	Water Appropriation	12	Permit Issued			X		
1975-2170	Water Appropriation	13	Permit Reinstated					X
2016-0324	Water Appropriation	13	Permit Denied			X		X
1975-2222	Water Appropriation	14	Permit Amended		X			
2015-2744	Water Appropriation	15	Permit Issued		X			
2015-0308	Public Water Work	18	Permit Issued					X
2014-0753	Water Appropriation	20	Permit Issued		X			
2002-4134	Water Appropriation	22	Permit Issued					X
2016-1189	Public Water Work	22	Permit Issued					X
2016-1274	Public Waters Work	25	Permit Issued					X
2016-0351	Water Appropriations	29	Permit Issued			X		
2015-2753	Public Waters Work	34	Permit Issued		X			

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsiveness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical Disagreement	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
1994-3125	Water Appropriations	39	Permit Transferred			X		
1995-3107	Water Appropriations	39	Permit Transferred			X		
2008-0620	Water Appropriations	39	Permit Transferred			X		
2016-0386	Public Waters Work	40	Permit Denied			X	X	X
1967-0348	Water Appropriations	42	Permit Transferred			X		
1976-3302	Water Appropriations	42	Permit Transferred			X		
1984-3254	Water Appropriations	42	Permit Transferred			X		
2016-1034	Public Waters Work	43	Permit Issued					X
2016-0407	Public Waters Work	44	Permit Issued				X	
2016-1373	Public Waters Work	52	Permit Issued		X			
1988-4142	Water Appropriations	57	Permit Amended			X		
2015-2656	Water Appropriations	61	Permit Issued					X
2016-0173	Public Waters Work	66	Permit Issued			X		
2016-0038	Public Waters Work	67	Permit Issued				X	
2016-0039	Public Waters Work	67	Permit Issued				X	
2016-0040	Public Waters Work	67	Permit Issued				X	

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsiveness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical Disagreement	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
1987-2047	Water Appropriations	77	Permit Transferred					X
2016-0789	Public Waters Work	79	Permit Issued					X
2016-0833	Public Waters Work	79	Permit Issued					X
1985-3157	Water Appropriations	100	Permit Amended					X
2013-0930	Water Appropriations	118	Permit Issued				X	
2015-3062	Public Waters Work	169	Permit Issued					X
2015-0699	Water Appropriation	191	Permit Amended			X		
1977-1085	Water Appropriation	259	Permit Amended			X		
2015-2086	Public Waters Work	291	Permit Issued		X			
2015-1229	Water Appropriation	292	Permit Issued					X
1978-4300	Water Appropriation	413	Permit Amended			X	X	
1975-5183	Water Appropriation	621	Permit Amended					X
UTAC Basin 2V Raise Amend	Iron ore/ Taconite	770	Permit Issued	X		X		
UTAC Auburn Pit Amend	Iron ore/ Taconite	469	Permit Issued	X		X		
Ferweda PTM Release	Peat	163	Permit Issued					X – significant level of review required
12F-2B0824	Aquatic Plant Management	0	Permit Renewed					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsiveness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical Disagreement	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
13F-2B0007	Aquatic Plant Management	0	Permit Renewed					X
14F-10424	Aquatic Plant Management	0	Permit Renewed					X
14F-2B0058	Aquatic Plant Management	0	Permit Renewed					X
14F-2B0140	Aquatic Plant Management	0	Permit Renewed					X
16F-1B0059	Aquatic Plant Management	0	Permit Renewed					X
16F-2B0355	Aquatic Plant Management	0	Permit Renewed					X
16F-2B0894	Aquatic Plant Management	0	Permit Renewed					X
2016-1839	Aquatic Plant Management	0	Permit Issued					X
2016-1878	Aquatic Plant Management	0	Permit Issued					X
2016-1962	Aquatic Plant Management	0	Permit Issued					X
2016-1988	Aquatic Plant Management	0	Permit Issued		X			
2016-2014	Aquatic Plant Management	0	Permit Issued					X
2016-2022	Aquatic Plant Management	0	Permit Issued		X			
2016-2042	Aquatic Plant Management	0	Permit Issued					X
2016-2128	Aquatic Plant Management	0	Permit Issued					X
2016-2140	Aquatic Plant Management	0	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsiveness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical Disagreement	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2016-2167	Aquatic Plant Management	0	Permit Issued					X
2016-2216	Aquatic Plant Management	0	Permit Issued				X	
2016-2217	Aquatic Plant Management	0	Permit Issued					X
2016-2252	Aquatic Plant Management	0	Permit Issued					X
20832	Endangered Species Takings	1030	Permit Issued		x			
20845	Endangered Species Takings	201	Permit Issued		x			

DNR Actions and Planned Actions

DNR has consistently achieved a high compliance rate with the statutory permitting goals since first reporting results on August 1, 2011. DNR works to continue improving overall permitting performance.

Expanding Use of MPARS:

The Aquatic Plant Management (APM) permit program was recently migrated into the Minnesota DNR Permitting and Reporting System (MPARS). As of February 2017, all APM permits were process and issued via MPARS. Applicants now create an account to apply and pay for permits online. In addition, permits are emailed to property owners and agents, eliminating wait times inherent with the paper mail system previously used for APM permit applications. Applicants who prefer to use a paper application and pay by check may still do so, but extra steps are necessary. MPARS also provides automated reminders to staff as a permit approaches a review goal deadline.