

MINNESOTA DEPARTMENT OF NATURAL
RESOURCES

**Environmental Permit Performance:
Report for Fiscal Year 2019**

150-Day and 90-Day Permit Decision Goals



July 31, 2019

This report was prepared as required by Minnesota Statute (MS) 84.027, Subd. 14a

Estimated cost of preparing this report was \$2,500.

This information is available in an alternative format upon request.

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Background

The Minnesota Department of Natural Resources' (DNR's) 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, while others are more recent. 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
- Invasive 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 a complete application (Tier 1 permit applications) or within 150 days of receiving a complete 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 2019 included:

- 820 permit applications in progress on July 1, 2018,
- 8,515 new applications received,
- 8,013 applications approved or denied,
- 594 applications withdrawn, and
- 728 applications in progress after June 30, 2019

DNR continued to do well with its permitting goals. However, we did find that limited staff contributed to several permit delays, and permit applications not being filled out correctly or not containing enough information also contributed to delays. 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 4,712 Tier 1 permit applications where a decision was made in fiscal year 2019:

- 4,581 Tier 1 permit applications, 97.2%, were approved or denied within 90 days of receiving an initial application
- 4,666 Tier 1 permit applications, 99.0%, were approved or denied within 90 days of receiving a complete application
- 46 Tier 1 permit applications, 1%, took longer than 90 days to approve or deny following a complete application

Of the 3,301 Tier 2 permit applications where a decision was made in fiscal year 2019:

- 3,061 Tier 2 permit applications, 92.7%, were approved or denied within 150 days of receiving an initial application
- 3,173 Tier 2 permit applications, 96.1%, were approved or denied within 150 days of receiving a complete application
- 128 Tier 2 permit applications, 3.9%, took longer than 150 days to approve or deny following a complete application

Table 3 shows the causes of delay for the 46 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 128 Tier 2 permit decisions that took more than 150 days from a complete application¹ for a DNR decision. Many aquatic plant management permits were submitted well in advance of the permitting season, which can cause increased delays from application submission since site inspections (required for Tier 2 permit applications) cannot occur until plant growth begins.

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)

7/1/2018 – 6/30/2019

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	698	62	714	662	638	17	7	52	46	6	0
Public Waters Work	250	36	264	248	214	27	7	14	24	27	2
Aquatic Plant Management ²	3,838	91	3,885	3,802	3,729	41	32	87	40		1
Invasive Aquatic Plant Management											
Endangered Species Takings											
Mine – Iron Ore and Taconite											
Mine – Non-Ferrous Metallic Minerals											
Mine – Peat											
Total	4,786	189	4,863	4,712	4,581	85	46	153	110	N/A	N/A

² Aquatic plant management permits includes restoration permits.

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

7/1/2018 – 6/30/2019

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	506	143	506	403	339	28	36	77	169	53	2
Public Waters Work	823	206	796	649	582	44	23	114	266	35	31
Aquatic Plant Management ³	1,965	219	2,016	1,878	1,799	15	64	163	143	8	0
Invasive Aquatic Plant Management	411	38	421	335	321	13	1	85	29	1	7
Endangered Species Takings	19	9	28	28	19	7	2			26	
Mine – Iron Ore and Taconite	4	10	4	4	1	3	0	2	8	0	22
Mine – Non-Ferrous Metallic Minerals	0	1	1	1	0	0	1	0	0	315	0
Mine – Peat	1	5	3	3	0	2	1	0	3	0	132
Total	3,729	631	3,775	3,301	3,061	112	128	441	618	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
16F-1A0131	Aquatic Plant Management	0	Permit Renewed					X
16F-1A0488	Aquatic Plant Management	0	Permit Renewed					X
16F-1A1050	Aquatic Plant Management	0	Permit Renewed					X
2016-2252	Aquatic Plant Management	0	Permit Renewed					X
2017-1113	Aquatic Plant Management	0	Permit Renewed					X
16F-1A0275	Aquatic Plant Management	1	Permit Renewed					X
16F-1A0903	Aquatic Plant Management	1	Permit Renewed					X
2018-2878	Aquatic Plant Management	1	Permit Renewed					X
16F-1A0515	Aquatic Plant Management	2	Permit Renewed					X
16F-3A789	Aquatic Plant Management	2	Permit Renewed		X			X

⁴ Tier 1 permits that exceeded 90 days from a complete application.

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
2018-2102	Aquatic Plant Management	2	Permit Renewed					X
16F-1A0039	Aquatic Plant Management	3	Permit Renewed					X
16F-1A1234	Aquatic Plant Management	3	Permit Renewed		X			
16F-3A535	Aquatic Plant Management	3	Permit Renewed					X
2017-0834	Aquatic Plant Management	3	Permit Renewed					X
2017-4155	Aquatic Plant Management	3	Permit Renewed					X
16F-1A1112	Aquatic Plant Management	4	Permit Renewed					X
16F-3A338	Aquatic Plant Management	4	Permit Renewed		X			X
16F-3A591	Aquatic Plant Management	4	Permit Renewed		X			X
2017-0279	Aquatic Plant Management	4	Permit Renewed		X			X
2018-0024	Aquatic Plant Management	4	Permit Renewed					X

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
16F-1A0207	Aquatic Plant Management	6	Permit Renewed					X
16F-1A0449	Aquatic Plant Management	8	Permit Renewed		X			
2018-0218	Aquatic Plant Management	8	Permit Renewed					X
16F-1A0423	Aquatic Plant Management	16	Permit Renewed					X
2017-1022	Aquatic Plant Management	17	Permit Renewed					X
2018-1955	Aquatic Plant Management	22	Permit Renewed					X
16F-1A0534	Aquatic Plant Management	27	Permit Renewed					X
2017-2097	Aquatic Plant Management	29	Permit Renewed					X
2017-3741	Aquatic Plant Management	34	Permit Renewed					X
15F-10476	Aquatic Plant Management	45	Permit Renewed					X
2017-3065	Aquatic Plant Management	89	Permit Renewed					X

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
2018-3604	Public Waters Work	0	Permit Issued					X
2018-1743	Public Waters Work	6	Permit Issued		X			
2018-0935	Public Waters Work	21	Permit Issued		X			
2018-1155	Public Waters Work	27	Permit Issued					X
2018-0574	Public Waters Work	38	Permit Issued					X
2018-3149	Public Waters Work	103	Permit Issued		X			
2018-0735	Public Waters Work	351	Permit Issued					X
2017-2166	Water Appropriation	1	Amended Permit Issued					X
2018-3077	Water Appropriation	2	Permit Issued		X			
2018-0392	Water Appropriation	10	Permit Issued		X			X
2018-1536	Water Appropriation	10	Permit Issued		X			

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
2018-2009	Water Appropriation	10	Permit Issued					X
2018-3204	Water Appropriation	11	Permit Issued		X			
2018-0846	Water Appropriation	13	Permit Issued		X			

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: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
15F-10442	Aquatic Plant Management	0	Permit Renewed					X
2018-2559	Aquatic Plant Management	0	Permit Issued					X
2018-2684	Aquatic Plant Management	0	Permit Issued					X
2018-2685	Aquatic Plant Management	0	Permit Issued					X
2018-2969	Aquatic Plant Management	0	Permit Issued					X
2018-2971	Aquatic Plant Management	0	Permit Issued					X
2018-2972	Aquatic Plant Management	0	Permit Issued					X
2018-3156	Aquatic Plant Management	0	Permit Issued					X
2018-3210	Aquatic Plant Management	0	Permit Issued					X
2018-3380	Aquatic Plant Management	0	Permit Issued					X
2018-3584	Aquatic Plant Management	0	Permit Issued					X
2018-3602	Aquatic Plant Management	0	Permit Issued					X
2018-3614	Aquatic Plant Management	0	Permit Issued					X
2018-3667	Aquatic Plant Management	0	Permit Issued					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: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2018-3746	Aquatic Plant Management	0	Permit Issued					X
2018-3748	Aquatic Plant Management	0	Permit Issued					X
2018-3777	Aquatic Plant Management	0	Permit Issued					X
2018-3844	Aquatic Plant Management	0	Permit Issued					X
16F-1B0662	Aquatic Plant Management	1	Permit Renewed					X
2018-1952	Aquatic Plant Management	1	Permit Renewed					X
2018-2784	Aquatic Plant Management	1	Permit Issued					X
2018-2788	Aquatic Plant Management	1	Permit Issued					X
2018-3006	Aquatic Plant Management	1	Permit Issued					X
2018-3071	Aquatic Plant Management	1	Permit Issued					X
2018-3135	Aquatic Plant Management	1	Permit Issued					X
2018-3275	Aquatic Plant Management	1	Permit Issued					X
2018-3340	Aquatic Plant Management	1	Permit Issued					X
2018-3354	Aquatic Plant Management	1	Permit Issued					X
2018-3449	Aquatic Plant Management	1	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2018-3728	Aquatic Plant Management	1	Permit Issued					X
2018-3794	Aquatic Plant Management	1	Permit Issued					X
2018-3842	Aquatic Plant Management	1	Permit Issued					X
2019-0070	Aquatic Plant Management	1	Permit Issued					X
2017-4151	Aquatic Plant Management	2	Permit Denied					X
2018-2777	Aquatic Plant Management	2	Permit Issued					X
2018-3304	Aquatic Plant Management	2	Permit Issued					X
2018-3306	Aquatic Plant Management	2	Permit Issued					X
2018-3704	Aquatic Plant Management	2	Permit Issued					X
2019-0008	Aquatic Plant Management	2	Permit Issued					X
2018-2599	Aquatic Plant Management	3	Permit Issued					X
2018-3447	Aquatic Plant Management	3	Permit Issued					X
2018-3408	Aquatic Plant Management	4	Permit Issued					X
2018-3727	Aquatic Plant Management	4	Permit Issued					X
2018-3827	Aquatic Plant Management	4	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2018-3855	Aquatic Plant Management	4	Permit Issued					X
2018-2736	Aquatic Plant Management	5	Permit Issued					X
2018-3617	Aquatic Plant Management	5	Permit Issued					X
14F-10374	Aquatic Plant Management	6	Permit Amended					
2018-2598	Aquatic Plant Management	6	Permit Issued					X
2018-2754	Aquatic Plant Management	6	Permit Issued					X
2018-2921	Aquatic Plant Management	6	Permit Issued					X
14F-2B0151	Aquatic Plant Management	7	Permit Amended					X
2018-3762	Aquatic Plant Management	7	Permit Issued					X
2018-3763	Aquatic Plant Management	7	Permit Issued					X
2018-2621	Aquatic Plant Management	8	Permit Issued					X
16F-1B1152	Aquatic Plant Management	9	Permit Renewed					X
2018-2762	Aquatic Plant Management	11	Permit Issued					X
2018-3177	Aquatic Plant Management	13	Permit Issued					X
2018-3233	Aquatic Plant Management	17	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2018-3657	Aquatic Plant Management	17	Permit Issued					X
2018-3577	Aquatic Plant Management	36	Permit Issued					X
2018-3687	Aquatic Plant Management	37	Permit Issued					X
16F-2B0651	Aquatic Plant Management	41	Permit Renewed					X
2018-3321	Aquatic Plant Management	55	Permit Issued					X
2019-0039	Invasive Aquatic Plant Management	1	Permit Issued					X
Keetac – A Dump Re-slope	Mine – Iron Ore and Taconite	197	Approved	X		X		
Minntac – Prindle Sump and Guard Shack	Mine – Iron Ore and Taconite	372	Approved	X				
Minntac – West Tailing Basin Seepage Collection	Mine – Iron Ore and Taconite	467	Approved	X				
PolyMet NorthMet Permit to Mine	Mine – Non-Ferrous Metallic Minerals	728	Approved	X		X	X	X – project complexities; modifications; interagency/
Premier – Boundary Realignment	Mine – Peat	214	Approved	X	X			
Hawkes Permit to Mine	Mine – Peat	372	Approved	X		X		
AAP – Cromwell 145 Acre Expansion & Settling	Mine – Peat	696	Approved		X		X	
2018-3099	Public Waters Work	0	Permit Issued		X			
2018-3678	Public Waters Work	1	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2017-4144	Public Waters Work	3	Permit Issued				X	
2018-0276	Public Waters Work	3	Permit Issued				X	
2017-3888	Public Waters Work	4	Permit Issued					X
2018-3684	Public Waters Work	4	Permit Issued		X			
2006-0065	Public Waters Work	7	Amended Permit Issued					X
2018-0390	Public Waters Work	10	Permit Issued				X	
2018-3218	Public Waters Work	10	Permit Issued					X
1967-0822	Public Waters Work	11	Amendment Denied					X
2018-3288	Public Waters Work	14	Permit Issued		X			
2017-2077	Public Waters Work	15	Permit Issued			X	X	
2018-2388	Public Waters Work	15	Permit Issued		x			
2018-0850	Public Waters Work	17	Permit Issued		X			
2018-1406	Public Waters Work	21	Permit Issued					X
2018-3280	Public Waters Work	25	Permit Issued		X			
2018-0819	Public Waters Work	32	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2017-3758	Public Waters Work	38	Permit Issued			X		
1994-2137	Public Waters Work	40	Amended Permit Issued			X		
2018-3228	Public Waters Work	49	Permit Issued		X			
2017-3001	Public Waters Work	149	Permit Issued					X
2015-0954	Public Waters Work	531	Permit Issued	X	X	X		
2016-0857	Public Waters Work	839	Permit Issued	X		X		
23218	Research	201	Issued		X			
23238	Taking incidental to Development	253	Issued		X			
1961-0838	Water Appropriation	0	Transferred Permit Issued		X			
1973-5095	Water Appropriation	0	Amended Permit Issued					X
2008-0216	Water Appropriation	0	Amended Permit Issued					X
2018-0400	Water Appropriation	1	Permit Issued		X			
2018-0840	Water Appropriation	4	Permit Issued		X			
2018-0114	Water Appropriation	5	Permit Issued		X			
1981-4277	Water Appropriation	6	Transferred Permit Issued		X			

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2005-4141	Water Appropriation	6	Transferred Permit Issued		X			
1976-4243	Water Appropriation	7	Amended Permit Issued					X
2001-4063	Water Appropriation	8	Transferred Permit Issued					X
1975-2137	Water Appropriation	9	Amended Permit Issued			X	X	
2018-1038	Water Appropriation	10	Permit Issued		X			
2016-0828	Water Appropriation	13	Amended Permit Issued		X			
2004-3239	Water Appropriation	16	Amended Permit Issued		X			
2017-0260	Water Appropriation	18	Permit Issued			X	X	
2014-0077	Water Appropriation	21	Permit Issued					X
2016-1364	Water Appropriation	21	Permit Issued			X	X	
2016-1365	Water Appropriation	21	Permit Issued			X	X	
2016-1367	Water Appropriation	21	Permit Issued			X	X	
2016-1369	Water Appropriation	21	Permit Issued			X	X	
2016-1363	Water Appropriation	22	Permit Issued			X	X	
1998-3034	Water Appropriation	24	Amended Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2015-2762	Water Appropriation	24	Permit Issued			X		
1988-5038	Water Appropriation	30	Amended Permit Issued		X	X		
1967-0014	Water Appropriation	35	Amended Permit Issued					X
1986-6125	Water Appropriation	36	Amended Permit Issued			X		
2018-2446	Water Appropriation	49	Permit Issued		X			
2013-1664	Water Appropriation	76	Amended Permit Issued		X	X		
2018-0011	Water Appropriation	97	Permit Issued					X
1976-5086	Water Appropriation	142	Amended Permit Issued	X				
2017-3687	Water Appropriation	161	Permit Issued					X
2015-0961	Water Appropriation	183	Amended Permit Issued					X
2002-4053	Water Appropriation	324	Amended Permit Issued					X
1976-6069	Water Appropriation	396	Amended Permit Issued	X	X			
1979-5170	Water Appropriation	650	Amended Permit Issued					
2015-2560	Water Appropriation	951	Permit Issued	X			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.

Amendment to Fiscal Year 2018 Report

The Environmental Permit Performance: Report for Fiscal Year 2018 incorrectly stated the percent of tier 1 permit applications that took longer than 90 days to approve or deny following a complete application. The correct percentage for FY18 is 1.1% of tier 1 permits (45 permit applications) took longer than 90 days to approve or deny following a complete application.