

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

# Environmental Permit Performance: Report for Fiscal Year 2013

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150- Day Permit Decision Goal

August 1, 2013

## 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 established 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 important 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 Minnesota Statute (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

In 2012, the Minnesota Legislature amended MS 84.027, Subd. 14a. Starting in fiscal year 2013, the permitting efficiently goal is to make permit decisions within 150 days of an initial application. Table 1 outlines the DNR's performance relative to this goal. During fiscal year 2013, the DNR received a total of 6,347 permit applications, deemed 5,655 permit applications complete and made 5,746 permit decisions. The vast majority of permit decisions, approximately 96%, 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. The median time frame for most individual permit programs is less than two weeks.

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 233 permit decisions that exceeded the 150-day goal, 198 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. Table 2 does provide detail on the causes of delay for the 35 permit decisions that took longer than 150 days from a complete application. Water appropriation permitting performance was impacted in FY 2013 by vacant hydrologist positions combined with a surge in agricultural irrigation permit applications.

The number of permit decisions during this reporting period exceeded the number of permit applications deemed complete, but was less than the number of 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 preceding this reporting period.



**Table 1: Summary Statistics for the Period of: 7/1/2012 to 6/30/2013**

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 a complete application	Exceeding 150 days from a complete application <sup>+</sup>		
Water Appropriations	1,326	854	1,025	869	144	12	7	12
Public Waters Work	1,066	915	1,005	946	47	12	10	19
Aquatic Plant Management	3,906	3,842	3,672	3,664	0	8	5	5
Endangered Species Takings	43	40	38	31	7	0	13	N/A
Mine – Iron Ore and Taconite	5	3	4	2	0	2	145	7
Mine – Non-Ferrous Metallic Minerals	0	0	0	0	0	0	0	0
Mine – Peat	1	1	2	1	0	1	NA	140 (Mean)
Total	6,347	5,655	5,746	5,513	198	35		

\*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 for the Period of: 7/1/2012 to 6/30/2013**

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal			
				Responsive-ness 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	
2013-0864	Public Waters	195	Issued		x		
2013-0868	Public Waters	160	Issued		x		
2012-0799	Public Waters	336	Issued		X		
2013-0107	Public Waters	189	Issued		X		
2013-1154	Public Waters	221	Issued		x		
2013-1155	Public Waters	221	Issued		x		
2013-0407	Public Waters	199	Issued		X		
2013-1363	Public Waters	258	Issued		x		
1969-1291	Water Appropriation	212	Amended				x
2006-0300	Water Appropriation	379	Amended	x			

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal				
				Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement	Level of public engagement	Other
1985-3168	Water Appropriation	331	Amended					X
2013-0792	Public Waters	171	Issued					X
2013-0716	Public Waters	209	Issued		X			
2013-0382	Public Waters	258	Issued		X			
2013-0094	Public Waters	262	Issued		X			
2013-0626	Water Appropriation	184	Issued			X		
2013-0589	Water Appropriation	207	Issued	X	X	X		
2013-0662	Water Appropriation	220	Issued			X		
2012-0743	Water Appropriation	220	Issued			X		
2012-1251	Water Appropriation	220	Issued		X			
13F-2A009	APM	163	Issued					Application was made in late fall/winter for control to be performed in the following year and a site inspection
13F-2B0091	APM	150	Issued					
13F-2B0092	APM	150	Issued					
13F-2B0056	APM	152	Issued					
13F-10003	APM	175	Issued					
13F-2B0017	APM	230	Issued					



Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal			
				Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement	Level of public engagement
13W-2B023	APM	155	Issued				Other was required prior to issuance.
13W-2B001	APM	200	Issued				Application was made in late fall/winter for control to be performed in the following year and a site inspection was required prior to issuance.
Plummer	Scram (ferrous) Permit	196	Issued	X			
Mesabi Chief #1	Scram (ferrous) Permit	237	Issued	X			
Hawkes	Peat Expansion	224	Issued	X			

## DNR Actions and Planned Actions

DNR has consistently achieved a high compliance rate with the 150-day permitting goal since first reporting results on August 1, 2011. However, the DNR continues to seek to improve overall permitting performance.

### Efforts Being Undertaken by DNR:

- Work is underway to transition from a paper-based system to an online system for water use reporting, permit applications, and permit change requests. The first stage of this new system will be available in the last quarter of calendar year 2013, with additional features being added in future years. The Minnesota DNR Permitting and Reporting System (MPARS) is being designed to provide DNR's permit holders and applicants with a simple, convenient and easy-to-use system.
- DNR has expanded coordination with other agencies, including:
  - participation in the Mining Subcabinet and coordinated support and funding for the Mining Coordinator position,
  - participation in Minnesota Business First Stop business assistance program, and
  - improving coordination with the Minnesota Department of Health well construction program through the legislatively directed preliminary water appropriation assessment and approval process.
- DNR is more closely integrating environmental review and permitting processes. Environmental review processes that collect higher quality data can allow for accelerated permitting on the back end of the environmental review.

### Planned Actions to be Undertaken by DNR:

- DNR initiated work on a state-wide bridge and culvert general permit, a major component of DNR water permitting work load. However, development of the MPARS has been the top priority for permitting efficiency and resources were reallocated to that project. Development of the statewide bridge and culvert general permit will be completed after the roll out of MPARS.
- DNR is working to increase coordination between Lands and Minerals and Ecological and Water Resources permitting programs on mining projects to make project permitting more seamless. A process proposal has been developed and is awaiting final approval.
- The Legislature has appropriated two and one half cents of the occupation tax to support DNR and MPCA permitting and environmental activities pertaining to the ferrous and non-ferrous mining industry. This appropriation, starting in fiscal year 2015, should enhance capacity and work on environmental issues and provide regulatory services for ferrous and non-ferrous mine permits.



- The Legislature substantially increased base funding for Ecological and Water Resources for ground water management starting in FY 2015. The increased ground water management capacity should assist in improving permitting timelines on complex ground water appropriations.

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 25 hours to compile, provide data quality assurance and to prepare and review report.	\$1685
Duplication Cost (includes paper)		\$5
<b>TOTAL TO PREPARE REPORT</b>		\$1,690.00
(Note: Right click on amount cell and choose update to complete)		