

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Environmental Permit Performance: Interim Report for Fiscal Year 2014

150- Day Permit Decision Goal

February 1, 2014

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

Estimated cost of preparing this report was \$2,700.

This information is available in an alternative format upon request.

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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 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 the first half of fiscal year 2014, the DNR received a total of 2,065 permit applications, deemed 2,225 **new and pending** permit applications complete and made 1,969 permit decisions. In addition, 157 permit applications were withdrawn. The vast majority of permit decisions, approximately 95%, were made within 150 days of initial application.

Just over 98% 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 one month.

A major factor in permitting timeliness continues to be the completeness of applications. Many initial permit applications are incomplete or inadequate. Additional time is required to secure the necessary information from the applicant. Of the 94 permit decisions that exceeded the 150-day goal, 60 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 34 permit decisions that took longer than 150 days from a complete application.

Since permit programs take applications on a continuous basis, the process for many specific permits crosses reporting periods. DNR is changing the data reporting format with this iteration of the permitting efficiency report to more clearly reflect applications that span multiple reporting periods. We will continue to report permitting events that occur during the reporting period, but are adding the number of permit applications pending a decision at the start of the reporting period as well as the number of permit applications pending a decision at the end of the reporting period. However, the database changes associated with transition to the on-line permitting for water permits issued through the Division of Ecological and Water Resources resulted in that data being unavailable for this report. DNR will seek to include the water permit carry over data in future reports. DNR is also now reporting permit applications that are withdrawn. While not required by the statute, this additional data will provide a better picture of permitting activity.

Table 1: Summary Statistics for the Period of: 7/1/2013 to 12/31/2013

Permit Program	Permit Applications Received	Active Applications carried over from previous period.	Applications Deemed Complete	Total Permit Decisions Made	Permit Decisions Made within 150 days of Initial Application	Permit Decisions Exceeding 150 days of Application, but Within 150 Days of a Complete Application	Permit Decisions Exceeding 150 Days from a Complete Application	Withdrawn Applications	Active Applications at the End of Reporting Period	Median Days to Decision: New Permits	Median Days to Decision: Permit Modifications
Water Appropriations	997	NA	1070	931	878	28	25	86	NA	3	1
Public Waters Work	585	NA	617	500	462	31	7	63	NA	31	2
Aquatic Plant Management	475	87	526	526	523	1	2	7	29	4	NA
Endangered Species Takings	8	6	12	12	12	0	0	0	4	26.5	NA
Mine – Iron Ore and Taconite	2	3	0	0	0	0	0	1	4	0	0
Mine – Non-Ferrous Metallic Minerals	0	0	0	0	0	0	0	0	0	0	0
Mine – Peat	0	0	0	0	0	0	0	0	0	0	0
Total	2067	NA	2225	1969	1875	60	34	157	NA		

NA – Data are not available for this reporting period.

**Table 2. Causes for Delay on Permit Decisions Taking Longer than 150 Days from Complete Application for the
Period of: 7/1/2013 to 12/31/2013**

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:					Level of public engagement	Other
				Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement				
1992-1257	Water Appropriation	6	Amendment Issued	X						
2009-0599	Water Appropriation	1	Issued	X						Violation
2010-0564	Public Waters	1	Issued		X					
2012-1140	Water Appropriation	826	Issued	X						Aquifer Test
2012-1316	Water Appropriation	1	Issued		X	X				
2013-0588	Water Appropriation	1	Issued		X					
2013-0613	Water Appropriation	1	Issued		X					
2013-0724	Public Waters	224	Issued		X					
2013-0747	Public Waters	42	Issued	X						
2013-0777	Water Appropriation	1	Issued	X						
2013-0800	Public Waters	60	Issued							coordination with Army Corps of Engineers
2013-0914	Water Appropriation	27	Issued		X					
2013-0979	Public Waters	24	Issued		X					
2013-1039	Water Appropriation	16	Issued		X					

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:				Level of public engagement		
				Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement	Other			
2013-1063	Water Appropriation	19	Issued		X					
2013-1090	Water Appropriation	65	Issued		X					
2013-1095	Water Appropriation	28	Issued		X					
2013-1096	Water Appropriation	28	Issued		X					
2013-1159	Water Appropriation	29	Issued		X					
2013-1174	Public Waters	1	Issued		X					
2013-1195	Water Appropriation	22	Issued		X					
2013-1196	Water Appropriation	81	Issued		X					
2013-1277	Water Appropriation	63	Issued		X					
2013-1343	Water Appropriation	21	Issued		X					
2013-1344	Water Appropriation	21	Issued		X					
2013-1383	Water Appropriation	8	Issued		X					
2013-1401	Water Appropriation	11	Issued							Aquifer Test
2013-1406	Water Appropriation	16	Issued							compliance issue that required technical review
2013-1425	Public Waters	1	Issued			X				

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:				Level of public engagement		
				Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement	Other			
2013-1441	Water Appropriation	13	Issued							compliance issue that required technical review
2013-1633	Water Appropriation	8	Issued		X					
2013-1640	Water Appropriation	20	Issued		X					
13F-10083 A -B (ONE PERMIT, BROKEN INTO TWO, DUE TO SIZE AND DIV. OF PERMIT AREA)	Aquatic plant management	185	Issued					Changed how permits were received from region; two applications were misplaced in transition.		
13F-10087	Aquatic plant management	185	Nuisance conditions did not develop. Held for 2014.					This is the other permit that was misplaced		
13W-3B048	Aquatic plant management	152	Issued	X						