

Minnesota Department of Natural Resources

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Office of the Commissioner

651-259-5555



August 5, 2014

Governor Mark Dayton
Room 130 State Capitol
St. Paul, Minnesota 55155

Senator John Marty
Chair, Environment and Energy Committee
Capitol Building, Room 303

Senator David M. Brown
Ranking Minority Member, Environment and Energy
Committee
State Office Building, Room 109

Senator David Tomassoni
Chair, Environment, Economic Development, and
Agriculture Finance Division
Capitol Building, Room 317

Senator Bill Ingebrigtsen
Ranking Minority Member, Environment, Economic
Development, and Agriculture Finance Division
State Office Building, Room 143

Representative David Dill
Chair, Environment and Natural Resources Policy
Committee
State Office Building, Room 571

Representative Tom Hackbarth
Ranking Minority Member, Environment and Natural
Resources Policy Committee
State Office Building, Room 309

Representative Jean Wagenius
Chair, Environment, Natural Resources, and Agriculture
Finance Committee
State Office Building, Room 449

Representative Denny McNamara
Ranking Minority Member, Environment, Natural
Resources, and Agriculture Finance Committee
State Office Building, Room 359

Dear Governor, Chairs and Ranking Minority Members:

Please find enclosed a copy of the Minnesota Department of Natural Resources' Environmental Permit Performance Report For Fiscal Year 2014 submitted pursuant to Minnesota Statutes 84.027 Subd. 14a. As you will see in the report, the vast majority of permit decisions, approximately 95 percent, were made within 150 days of initial application. Over 99 percent of permit decisions were made within 150 days of a complete application. The report is also being posted to the DNR website as per DNR policy and as required under this law.

If you or your staff have any questions, please feel free to contact Mark Lindquist, 507-359-6038.

Sincerely,
/s/
Tom Landwehr
Commissioner

Enclosure

c: Legislative Reference Library (2 copies)



MINNESOTA DEPARTMENT OF NATURAL RESOURCES

**Environmental Permit Performance:
Report for Fiscal Year 2014**

150-Day Permit Decision Goal

August 1, 2014

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

Estimated cost of preparing this report was \$2,800.

This information is available in an alternative format upon request.

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Minnesota Department of Natural Resources

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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. 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. 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

DNR is reporting on the following natural resource permits:

- Public waters work permits
- Water appropriation permits
- Aquatic plant management 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 which focus mainly on recreational activities such as hunting and fishing.

Summary Statistics for 150-Day Goal Attainment

DNR's goal is to approve or deny permit applications within 150 days of receiving an initial application. DNR manages a large number of permit applications. For fiscal year (FY) 14, DNR permitting activity included:

- 843 permits in progress on July 1, 2013,
- 7,407 new applications received,
- 6,931 applications approved or denied,
- 432 applications withdrawn, and

- 932 permit applications pending at close of FY 14 on June 30, 2014.

DNR continued to do well with its permitting goals. The leading reason for exceeding the 150-day goal is incorrect or incomplete permit applications, which require DNR staff to spend additional time with applicants. This, in turn, can delay permitting decisions. Table 1 summarizes how well DNR meets its goal. During FY 2014 (July 1, 2013 to June 30, 2014):

- 6,591 permits, or 95%, were approved or denied within 150 days of receiving an initial application
- 6,862 permits, or 99%, were approved or denied within 150 day of receiving a complete application
- 69 permits, or 1%, took longer than 150 days to issue from a complete application

Table 2 shows the causes of delay for the 69 permit decisions that took DNR more than 150 days from a complete application. Incomplete applications were the primary cause for the remaining permits which were not approved or denied within 150 days.

Table 1: Summary Statistics for the Period of: 7/1/2013 to 6/30/2014

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 Complete 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	2,166	377	2161	1,799	1,557	195	47	251	493	7	3
Public Waters Work	1,095	190	1,083	867	788	57	22	139	279	34	5
Aquatic Plant Management	4,135	273	4,146	4,248	4,232	16	0	41	151	13	8
Endangered Species Takings	15	0	11	11	10	1	0	0	4	50	N/A
Mine – Iron Ore and Taconite	9	3	6	6	4	2	0	1	5	NA	72.5
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	7,420	843	7,407	6,931	6,591	271	69	432	932	104	89

*The Aquatic Plant Management permit database counts withdrawn permits as permit decisions. This may result in columns not totaling.

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 6/30/2014

Permit	Type	Days to determine complete application from initial application	Final Status	Primary Reason for Not Meeting the Goal	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement	Level of public engagement	Other
2013-0724	Public Waters	224	Issued			X			
2013-0747	Public Waters	42	Issued		X				
2013-0800	Public Waters	60	Issued						coordination with Army Corps of Engineers
2013-0979	Public Waters	24	Issued			X			
2010-0564	Public Waters	1	Issued			X			
2013-0629	Public Waters	22	Amendment Issued			X			
2013-1174	Public Waters	1	Issued			X			
2013-1210	Public Waters	1	Issued			X			
2013-1213	Public Waters	1	Issued			X			
2013-1361	Public Waters	1	Issued			X			
2013-1425	Public Waters	1	Issued				X		
2013-1457	Public Waters	10	Issued			X			
2013-1570	Public Waters	28	Issued		X				

Permit	Type	Days to determine complete application from initial application	Final Status	Primary Reason for Not Meeting the Goal	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement	Level of public engagement	Other
2014-0224	Public Waters	165	Issued		X				
2014-0407	Public Waters	1	Issued		X				
2014-0420	Public Waters	14	Issued			X			
2014-1070	Public Waters	1	Issued				X		
2014-1198	Public Waters	1	Issued			X			
2014-1202	Public Waters	1	Issued			X			
2014-1204	Public Waters	1	Issued			X			
2014-1207	Public Waters	1	Issued			X			
2014-1212	Public Waters	1	Issued			X			
1992-1257	Water Appropriation	6	Amendment Issued		X				
2013-0588	Water Appropriation	63	Issued			X			
2013-1039	Water Appropriation	65	Issued			X			
2013-1063	Water Appropriation	62	Issued			X			
2013-1090	Water Appropriation	71	Issued			X			
2013-1159	Water Appropriation	38	Issued			X			

Permit	Type	Days to determine complete application from initial application	Final Status	Primary Reason for Not Meeting the Goal	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement	Level of public engagement	Other
2013-1195	Water Appropriation	84	Issued			X			
2013-1196	Water Appropriation	84	Issued			X			
2013-1277	Water Appropriation	63	Issued			X			
2013-1343	Water Appropriation	48	Issued			X			
2013-1344	Water Appropriation	48	Issued			X			
2013-1383	Water Appropriation	13	Issued			X			
2013-1633	Water Appropriation	10	Issued			X			
2013-1640	Water Appropriation	28	Issued			X			
2013-1406	Water Appropriation	28	Issued		X				
2013-1441	Water Appropriation	25	Issued		X				
2013-1401	Water Appropriation	28	Issued		X				
1965-0442	Water Appropriation	56	Amendment Issued			X			
1965-0630	Water Appropriation	1	Amendment Issued			X			

Permit	Type	Days to determine complete application from initial application	Final Status	Primary Reason for Not Meeting the Goal	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement	Level of public engagement	Other
1982-1153	Water Appropriation	1	Amendment Issued				X		
1990-3157	Water Appropriation	1	Amendment Issued			X			
1990-3337	Water Appropriation	1	Amendment Issued			X			
1998-1155	Water Appropriation	1	Amendment Issued				X		
1998-4019	Water Appropriation	1	Amendment Issued			X			
2009-0617	Water Appropriation	1	Amendment Issued			X			
2013-0955	Water Appropriation	118	Issued			X			
2013-0956	Water Appropriation	118	Issued			X			
2013-0957	Water Appropriation	119	Issued			X			
2013-1203	Water Appropriation	76	Issued			X			
2013-1431	Water Appropriation	25	Issued				X		

Permit	Type	Days to determine complete application from initial application	Final Status	Primary Reason for Not Meeting the Goal	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement	Level of public engagement	Other
2013-1478	Water Appropriation	19	Issued			X			
2013-1486	Water Appropriation	18	Issued			X			
2013-1500	Water Appropriation	15	Issued			X			
2013-1573	Water Appropriation	16	Issued				X		
2014-0346	Water Appropriation	67	Issued			X			
2014-0348	Water Appropriation	1	Issued				X		
2014-0377	Water Appropriation	7	Issued			X			
2014-0382	Water Appropriation	1	Issued			X			
2014-0727	Water Appropriation	50	Issued			X			
2014-0784	Water Appropriation	71	Issued			X			
2013-1059	Water Appropriation	58	Issued				X		
2009-0599	Water Appropriation	1	Issued		X				
2012-1140	Water Appropriation	826	Issued		X				
2012-1316	Water Appropriation	1	Issued			X			

Permit	Type	Days to determine complete application from initial application	Final Status	Primary Reason for Not Meeting the Goal	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement	Level of public engagement	Other
2013-0613	Water Appropriation	1	Issued			X			
2013-0777	Water Appropriation	1	Issued		X				
2013-0914	Water Appropriation	27	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 Aug. 1, 2011. DNR works to continue improving overall permitting performance.

Efforts Being Undertaken by DNR:

- DNR now uses online permitting for water permits and water use reporting. The Minnesota DNR Permitting and Reporting System (MPARS) provides DNR's permit holders and applicants with a handy and easy-to-use system.
- DNR and MPCA are sharing an appropriation of approximately \$1 million from the taconite occupation tax to improve their capacity to work on mining projects. With its portion, DNR's Division of Lands and Minerals has hired a Mining Project Coordinator. This person coordinates the different DNR permits required for each mining project and also facilitates coordination with MPCA. In addition, DNR is hiring additional staff to expand its mine permitting capacity. Mining companies will be better able to work with DNR before they submit permit applications. This will enhance the quality of applications and speed up permit review.
- DNR continues to coordinate with other agencies, including:
 - participating in the Mining Subcabinet,
 - participating in Minnesota Business First Stop business assistance program,
 - reviewing preliminary water use assessment and approvals in conjunction with the Minnesota Department of Health's well construction program, and
 - participating in the Minnesota Agricultural Water Quality Certification Program, which provides regulatory certainty to farmers.

Planned Actions to be Undertaken by DNR:

- Bridges and culverts are major components of DNR's water permitting work load. DNR previously considered a statewide general permit to improve the efficiency of these projects. However, the differences across Minnesota are too great, so DNR is now developing regional bridge and culvert general permits.
- The Legislature substantially increased base funding for Ecological and Water Resources for groundwater management starting in FY 2015. This increased capacity will help improve permitting timelines on complex groundwater appropriations.
- DNR has launched three pilot groundwater management area projects. These projects will examine water use in areas where the supply may not be sufficient to satisfy all water users. This will, in the long run, make permitting more efficient by bringing the affected people together to develop a plan for water use in each area.
- DNR will refine its future permitting goal report to distinguish between Tier 1 and Tier 2 permits.