

MINNESOTA DEPARTMENT OF NATURAL
RESOURCES

Environmental Permit
Performance: Report for
Fiscal Year 2015

150-Day and 90-Day Permit Decision Goals

August 1, 2015

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

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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:

- 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 which focus mainly on recreational activities such as hunting and fishing.

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

DNR's goal has been to approve or deny permit applications within 150 days of receiving an initial application. DNR is in the process of determining which of its permit categories will be placed in a second tier subject to a 90-day permitting goal (see p.22 for further detail). DNR manages a large number of permit applications. DNR permitting activity for fiscal year 2015 included:

- 961 permits in progress on July 1, 2014,
- 7,691 new applications received,
- 7,583 applications approved or denied,
- 327 applications withdrawn, and
- Continued work on 706 applications after June 30, 2015

DNR continued to do well with its permitting goals. However, 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 150-day goal. During fiscal year 2015 (July 1, 2014 to June 30, 2015):

- 7,173 permits, 95%, were approved or denied within 150 days of receiving an initial application
- 7,481 permits, 98%, were approved or denied within 150 day of receiving a complete application
- 122 permits, less than 2%, took longer than 150 days to issue from a complete application

Table 2 shows the causes of delay for the 123 permit decisions that took DNR more than 150 days from a complete application. Incomplete applications were the primary cause for the remaining permits that were not approved or denied within 150 days of initial application.

DNR is in the process of determining which permits will subject to the 90-day permitting goal. No summary statistics for 90 permit goals were generated for this report.

Table 1: Summary Statistics for the Period of: 7/1/2014 to 6/30/2015

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
Aquatic Plant Management	5,094	173	5,074	5,095	5,077	20	20	33	103	18	14
Water Appropriations	1,454	502	1,583	1,463	1,188	192	81	173	322	20	5
Public Waters Work	1,101	278	1,082	998	884	93	21	121	260	33	14
Endangered Species Takings	34	3	37	25	23	2	0	0	12	31	N/A
Mine – Iron Ore and Taconite	7	5	4	2	1	1	0	0	10	NA	206 days - average
Mine – Non-Ferrous Metallic Minerals	0	0	0	0	0	0	0	0	0	NA	NA
Mine – Peat	1	0	0	0	0	0	0	0	1	NA	NA
Total	7,691	961	7,780	7,583	7,173	308	122	327	708	NA	NA

Table 2. Causes for Delay on Permit Decisions Taking Longer than 150 Days from Complete Application for the Period of: 7/1/2014 to 6/30/2015

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagree-ment	Level of public engage-ment	Other
1971-0243	Water Appropriation	256	Transferred						Lack of cooperation from the previous land owner
1975-3286	Water Appropriation	91	Amended				X		Coordination among multiple staff members
1975-3296	Water Appropriation	0	Amended					X	
1976-3244	Water Appropriation	10	Amended			X			
1976-3280	Water Appropriation	91	Amended				X		Coordination among multiple staff members
1976-3457	Water Appropriation	0	Amended					X	

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagree-ment	Level of public engage-ment	Other
1976-3510	Water Appropriation	0	Transferred				X		
1977-2161	Water Appropriation	248	Transferred				X		
1977-3351	Water Appropriation	12	Amended			X			
1977-3500	Water Appropriation	36	Amended				X		
1977-3789	Water Appropriation	10	Amended			X			
1984-3214	Water Appropriation	0	Amended			X			
1985-3075	Water Appropriation	30	Transferred					X	
1991-3084	Water Appropriation	38	Amended			X			
1992-3170	Water Appropriation	48	Amended				X		

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagree-ment	Level of public engage-ment	Other
2001-3154	Water Appropriation	0	Amended						Coordination among multiple staff members
2002-4137	Water Appropriation	9	Amended			X			
2003-3024	Water Appropriation	38	Issued				X		
2007-0387	Water Appropriation	23	Amended				X		
2007-0638	Water Appropriation	0	Transferred				X		
2008-0291	Public Waters	229	Amended				X		
2009-0567	Water Appropriation	33	Amended				X		
2012-0825	Water Appropriation	125	Amended			X			
2013-0216	Water Appropriation	0	Amended				X		

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagree-ment	Level of public engage-ment	Other
2013-1373	Water Appropriation	48	Issued				X		
2013-1511	Water Appropriation	15	Issued			X	X		
2013-1660	Public Waters	34	Issued			X			
2013-1664	Water Appropriation	26	Issued			X	X		
2013-1708	Water Appropriation	341	Issued				X		
2014-0055	Water Appropriation	387	Issued				X		Management decision needed prior to authorization
2014-0103	Water Appropriation	182	Issued						Summer Site Visit Needed
2014-0269	Public Waters	12	Issued		X				

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsiveness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement	Level of public engagement	Other
2014-0351	Water Appropriation	0	Issued				X		Additional time was necessary due to significant additional review and meetings with the applicant
2014-0376	Water Appropriation	0	Issued				X		
2014-0406	Public Waters	0	Issued		X				
2014-0595	Water Appropriation	84	Issued			X			
2014-0606	Public Waters	0	Issued			X			
2014-0612	Public Waters	0	Issued			X			
2014-0679	Water Appropriation	314	Issued				X		Coordination among multiple staff members

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagree-ment	Level of public engage-ment	Other
2014-0788	Water Appropriation	7	Issued			X			
2014-0880	Public Waters	0	Issued			X			
2014-0902	Water Appropriation	70	Issued				X		
2014-0903	Water Appropriation	70	Issued				X		
2014-0908	Public Waters	105	Issued			X			
2014-0951	Water Appropriation	87	Issued						At request of applicant
2014-0955	Public Waters	0	Issued			X			
2014-1016	Water Appropriation	183	Issued			X			
2014-1039	Public Waters	23	Issued						Low priority as it was an after-the-fact authorization

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagree-ment	Level of public engage-ment	Other
2014-1061	Public Waters	0	Issued			X			
2014-1089	Water Appropriation	57	Issued			X			
2014-1103	Water Appropriation	73	Issued			X			
2014-1108	Public Waters	0	Issued			X			
2014-1184	Water Appropriation	10	Issued			X			
2014-1195	Water Appropriation	306	Issued				X		
2014-1214	Public Waters	0	Issued			X			
2014-1245	Public Waters	15	Issued						Inspection needed during open water
2014-1264	Public Waters	13	Issued						Issues with adjacent landowner approval

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagree-ment	Level of public engage-ment	Other
2014-1288	Public Waters	229	Issued					X	
2014-1343	Water Appropriation	28	Issued			X			
2014-1399	Water Appropriation	13	Issued			X			
2014-1444	Water Appropriation	35	Issued			X			
2014-1472	Water Appropriation	12	Issued			X			
2014-1473	Water Appropriation	12	Issued			X			
2014-1474	Water Appropriation	12	Issued			X			
2014-1475	Water Appropriation	12	Issued			X			
2014-1512	Water Appropriation	7	Issued				X		

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagree-ment	Level of public engage-ment	Other
2014-1515	Water Appropriation	138	Issued			X			
2014-1527	Water Appropriation	14	Issued			X			
2014-1528	Water Appropriation	14	Issued			X			
2014-1536	Water Appropriation	135	Issued				X		
2014-1546	Water Appropriation	166	Issued			X			
2014-1589	Water Appropriation	0	Issued			X			
2014-1603	Water Appropriation	143	Issued				X		
2014-1629	Water Appropriation	3	Issued			X			
2014-1672	Water Appropriation	5	Issued			X	X		

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagree-ment	Level of public engage-ment	Other
2014-1755	Water Appropriation	3	Issued				X		
2014-1805	Water Appropriation	85	Issued			X			
2014-1875	Water Appropriation	118	Issued			X			
2014-1911	Water Appropriation	8	Issued						technical review time and interagency coordination
2014-1916	Water Appropriation	3	Issued			X			
2014-1944	Water Appropriation	148	Issued				X		
2014-1956	Water Appropriation	147	Issued				X		
2014-1961	Water Appropriation	49	Issued				X		

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagree-ment	Level of public engage-ment	Other
2014-1971	Water Appropriation	144	Issued				X		
2014-2000	Water Appropriation	6	Issued				X		
2014-2012	Water Appropriation	123	Issued			X	X	X	
2014-2110	Water Appropriation	45	Issued			X			
2014-2272	Water Appropriation	6	Issued				X		
2014-2290	Water Appropriation	13	Issued		X				
2014-2292	Water Appropriation	8	Issued				X		
2014-2300	Water Appropriation	15	Issued			X			
2014-2301	Water Appropriation	15	Issued			X			

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagree-ment	Level of public engage-ment	Other
2014-2307	Water Appropriation	40	Issued				X		
2014-2319	Water Appropriation	13	Issued			X			
2014-2340	Public Waters	12	Issued			X			
2014-2376	Public Waters	88	Issued				X		
2014-2450	Water Appropriation	29	Issued						Additional time was necessary to verify potential resource impacts
2014-2485	Water Appropriation	1	Issued						Evaluation of impacts of infested waters
2015-0178	Water Appropriation	101	Issued				X		

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagree-ment	Level of public engage-ment	Other
2015-0552	Public Waters	19	Issued						Low priority as work could not be authorized to start until after fisheries exclusion date of June 30th
2015-0600	Public Waters	0	Issued						could not issue until completion of environmental review
2015-0862	Public Waters	15	Issued			X			
14F-2B0190	Aquatic plant management	174	Permit Issued		X				
14F-2B0612	Aquatic plant management	205	Permit Issued						Review required staff from other Divisions

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagree-ment	Level of public engage-ment	Other
14F-4064	Aquatic plant management	197	Withdrawn		X				
15F-10009	Aquatic plant management	224	Permit Issued						Application received after August 2014 Deadline Proposer wanted permit for 2015
15F-10010	Aquatic plant management	227	Permit Issued						Application received after August 2014 Deadline Proposer wanted permit for 2015
15F-10011	Aquatic plant management	221	Permit Issued						Application received after August 2014 Deadline Proposer wanted permit for 2015

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagree-ment	Level of public engage-ment	Other
15F-10012	Aquatic plant management	226	Permit Issued						Application received after August 2014 Deadline Proposer wanted permit for 2015
15F-10025	Aquatic plant management	166	Permit Issued						Application received after August 2014 Deadline Proposer wanted permit for 2015
15F-10027	Aquatic plant management	154	Permit Issued						Application received after August 2014 Deadline Proposer wanted permit for 2015

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsiveness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement	Level of public engagement	Other
15F-2A001	Aquatic plant management	280	Permit Issued						Application received after August 2014 Deadline Proposer wanted permit for 2015
15F-2A002	Aquatic plant management	236	Permit Issued						Application received after August 2014 Deadline Proposer wanted permit for 2015
15F-2A003	Aquatic plant management	258	Permit Issued						Application received after August 2014 Deadline Proposer wanted permit for 2015

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsiveness of the Proposer	Lack of Staff	Scientific/ Technical Disagreement	Level of public engagement	Other
15F-2A052	Aquatic plant management	280	Permit Issued						Application received after August 2014 Deadline Proposer wanted permit for 2015
15F-2A062	Aquatic plant management	359	Permit Issued		X				
15F-2B0001	Aquatic plant management	156	Permit Issued						Application received after August 2014 Deadline Proposer wanted permit for 2015
15F-2B0006	Aquatic plant management	203	Permit Issued						Application received after August 2014 Deadline Proposer wanted permit for 2015

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting Goal:	Responsive-ness of the Proposer	Lack of Staff	Scientific/ Technical Disagree-ment	Level of public engage-ment	Other
15F-2B0007	Aquatic plant management	194	Permit Issued						Application received after August 2014 Deadline Proposer wanted permit for 2015
15F-2B0013	Aquatic plant management	166	Permit Issued				X		
15F-2B0681	Aquatic plant management	203	Permit Issued						Application received after August 2014 Deadline Proposer wanted permit for 2015
15F-4004	Aquatic plant management	175	Permit 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. DNR works to continue improving overall permitting performance, and will continue to demonstrate that commitment by creating a second reporting tier that will be subject to the 90-day permitting goal.

Tier 2 Goal:

DNR is in the process of determining which of its permitting programs, in whole or in part, are feasible candidates for the Tier 2 90-day permitting goal. Factors being evaluated include the length of any required public comment period, the type of analysis and record required to support the permit decision, and any seasonal considerations. For example, Aquatic Plant Management permit decisions require a site visit during the growing season, but DNR's past practice has been to allow shoreland owners to submit applications at any time of year. This is an example of where a 90-day goal is not consistent with another step DNR has taken to serve applicants better (i.e., accepting applications throughout the year). DNR has organized an internal work group under the leadership of the Commissioner's Office to identify where DNR can establish a more ambitious permitting efficiency goal. The 2016 report will include permit programs or subsets of permit programs that are subject to a 90-day permitting goal.

Expanding Use of MPARS:

The Aquatic Plant Management (APM) permit program will be migrated into the Minnesota DNR Permitting and Reporting System (MPARS) starting fiscal year 2016. The process will take up to two years. Once complete, this will streamline user experience and improve data management.