

MINNESOTA DEPARTMENT OF NATURAL
RESOURCES

**Environmental Permit Performance:
Report for Fiscal Year 2020**

150-Day and 90-Day Permit Decision Goals



August 5, 2020

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'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 2020 included:

- 729 permit applications in progress on July 1, 2019,
- 8,566 new applications received,
- 7,849 applications approved or denied,
- 619 applications withdrawn, and
- 832 applications in progress after June 30, 2020

DNR continued to do well with its permitting goals. We found that “lack of staff” contributed to several permit delays, which resulted primarily from workload capacity issues. The number of permits and the complexity of the permits can impact workload capacity. Permits with complex technical issues can take significant staff time to resolve, which can reduce the total hours available to process other applications. Vacancies in key permitting positions can also contribute to workload capacity issues. Other delays were the result of project proposers submitting incomplete or inaccurate permit applications, or the need for additional information, environmental review, or resolution of compliance or technical issues. In some cases the permit was submitted in advance of a particular season and may not have been processed until closer to the start of the season or when seasonal conditions allowed certain requirements to be met. 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 4,736 Tier 1 permit applications where a decision was made in fiscal year 2020:

- 4,592 Tier 1 permit applications, 97.0%, were approved or denied within 90 days of receiving an initial application
- 4,700 Tier 1 permit applications, 99.2%, were approved or denied within 90 days of receiving a complete application
- 36 Tier 1 permit applications, 0.8%, took longer than 90 days to approve or deny following a complete application

Of the 3,113 Tier 2 permit applications where a decision was made in fiscal year 2020:

- 2,866 Tier 2 permit applications, 92.1%, were approved or denied within 150 days of receiving an initial application
- 3,017 Tier 2 permit applications, 96.9%, were approved or denied within 150 days of receiving a complete application
- 96 Tier 2 permit applications, 3.1%, took longer than 150 days to approve or deny following a complete application

Table 3 shows the causes of delay for the 36 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

96 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 and endangered species program list permits where the decision took longer than 150 days from an initial application. All other programs list permits where the decision took longer than 150 days from a complete application.

Table 1: Summary Statistics for Tier 1 Permits (90 days)

7/1/2019 – 6/30/2020

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	738	50	750	645	631	13	1	115	28	4	0
Public Waters Work	237	34	247	224	204	16	4	18	29	20	0
Aquatic Plant Management ²	3,987	33	3,961	3,867	3,757	79	31	87	66		2
Invasive Aquatic Plant Management											
Endangered Species Takings											
Mine – Iron Ore and Taconite											
Mine – Non-Ferrous Metallic Minerals											
Mine – Peat											
Total	4,962	117	4,958	4,736	4,592	108	36	220	123	N/A	N/A

² Aquatic plant management permits include restoration permits.

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

7/1/2019 – 6/30/2020

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	409	170	427	376	289	58	29	64	139	46	11
Public Waters Work	748	249	741	632	573	47	12	125	240	35	24
Aquatic Plant Management ³	1,888	150	1,888	1,714	1,645	22	47	115	209	7	0
Invasive Aquatic Plant Management	531	29	516	364	338	22	4	94	102	0	33
Endangered Species Takings	31	4	31	26	21	2	3	1	8	32	
Mine – Iron Ore and Taconite	5	7	1	1	0	0	1	0	11		158
Mine – Non-Ferrous Metallic Minerals	0	0	0	0	0	0	0	0	0		
Mine – Peat	0	3	0	0	0	0	0	0	3		
Total	3,604	612	3,604	3,113	2,866	151	96	399	709	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 90 Day Goal: Responsive-ness of the Proposer	Reason for Not Meeting 90 Day Goal: Lack of Staff	Reason for Not Meeting 90 Day Goal: Scientific/ Technical Disagreement	Reason for Not Meeting 90 Day Goal: Level of public engagement	Reason for Not Meeting 90 Day Goal: Other
14F-10561	Aquatic Plant Management	0	Permit Renewed					X
14F-2B0140	Aquatic Plant Management	0	Permit Renewed					X
15F-10724	Aquatic Plant Management	0	Permit Renewed					X
16F-1A0047	Aquatic Plant Management	0	Permit Renewed					X
2016-2022	Aquatic Plant Management	0	Permit Renewed					X
2018-3006	Aquatic Plant Management	0	Permit Renewed					X
16F-1A0452	Aquatic Plant Management	1	Permit Renewed					X
2017-3411	Aquatic Plant Management	1	Permit Renewed					X
2018-2310	Aquatic Plant Management	1	Permit Renewed					X
2019-0917	Aquatic Plant Management	1	Permit Renewed					X

⁴ Tier 1 permits where a decision took longer than 90 days from a complete application.

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting 90 Day Goal: Responsive-ness of the Proposer	Reason for Not Meeting 90 Day Goal: Lack of Staff	Reason for Not Meeting 90 Day Goal: Scientific/ Technical Disagreement	Reason for Not Meeting 90 Day Goal: Level of public engagement	Reason for Not Meeting 90 Day Goal: Other
16F-1A0234	Aquatic Plant Management	2	Permit Renewed					X
16F-1B1108	Aquatic Plant Management	2	Permit Renewed					X
16F-1B0846	Aquatic Plant Management	3	Permit Renewed				X	
2017-1561	Aquatic Plant Management	3	Permit Renewed					X
2018-2788	Aquatic Plant Management	3	Permit Renewed					X
2017-0711	Aquatic Plant Management	4	Permit Renewed					X
2017-2047	Aquatic Plant Management	4	Permit Renewed					X
16F-1A1026	Aquatic Plant Management	5	Permit Renewed					X
2017-3389	Aquatic Plant Management	5	Permit Renewed					X
16F-1A0534	Aquatic Plant Management	7	Permit Renewed					X
16F-1A0493	Aquatic Plant Management	9	Permit Renewed					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting 90 Day Goal: Responsive-ness of the Proposer	Reason for Not Meeting 90 Day Goal: Lack of Staff	Reason for Not Meeting 90 Day Goal: Scientific/ Technical Disagreement	Reason for Not Meeting 90 Day Goal: Level of public engagement	Reason for Not Meeting 90 Day Goal: Other
16F-3B422	Aquatic Plant Management	10	Permit Renewed					X
14F-10614	Aquatic Plant Management	10	Permit Renewed					X
16F-1A0864	Aquatic Plant Management	10	Permit Renewed					X
14F-10011	Aquatic Plant Management	11	Permit Renewed					X
16F-1A0235	Aquatic Plant Management	12	Permit Renewed					X
2019-0158	Aquatic Plant Management	14	Permit Renewed					X
2016-1928	Aquatic Plant Management	30	Permit Renewed					X
2017-3542	Aquatic Plant Management	30	Permit Renewed					X
2018-3617	Aquatic Plant Management	30	Permit Renewed					X
2018-3687	Aquatic Plant Management	33	Permit Renewed					X
2019-3445	Public Waters Work	5	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reason for Not Meeting 90 Day Goal: Responsive-ness of the Proposer	Reason for Not Meeting 90 Day Goal: Lack of Staff	Reason for Not Meeting 90 Day Goal: Scientific/ Technical Disagreement	Reason for Not Meeting 90 Day Goal: Level of public engagement	Reason for Not Meeting 90 Day Goal: Other
2019-3580	Public Waters Work	11	Permit Issued					X – COVID-19 Site review scheduling
2018-3787	Public Waters Work	19	Permit Issued					X
2018-3336	Public Waters Work	265	Permit Issued		X			
2017-4244	Water Appropriation	239	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 150 Day Goal: Responsive-ness of the Proposer	Reasons for Not Meeting 150 Day Goal: Lack of Staff	Reasons for Not Meeting 150 Day Goal: Scientific/Technical Disagreement	Reasons for Not Meeting 150 Day Goal: Level of public engagement	Reasons for Not Meeting 150 Day Goal: Other
2017-3085	Aquatic Plant Management	0	Permit Issued					X
2019-2965	Aquatic Plant Management	0	Permit Issued					X
2019-3087	Aquatic Plant Management	0	Permit Issued					X
2019-3181	Aquatic Plant Management	0	Permit Issued					X
2019-3261	Aquatic Plant Management	0	Permit Issued					X
2019-3320	Aquatic Plant Management	0	Permit Issued					X
2019-3335	Aquatic Plant Management	0	Permit Issued					X
2019-3355	Aquatic Plant Management	0	Permit Issued					X
2019-3370	Aquatic Plant Management	0	Permit Issued					X
2019-3457	Aquatic Plant Management	0	Permit Issued					X

⁵ The mine permit program and endangered species program lists permits where the decision took longer than 150 days from an initial application. All other programs list permits where the decision took longer than 150 days from a complete application.

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsive-ness of the Proposer	Reasons for Not Meeting 150 Day Goal: Lack of Staff	Reasons for Not Meeting 150 Day Goal: Scientific/Technical Disagreement	Reasons for Not Meeting 150 Day Goal: Level of public engagement	Reasons for Not Meeting 150 Day Goal: Other
15F-10100	Aquatic Plant Management	1	Permit Renewed					X
2019-2846	Aquatic Plant Management	1	Permit Issued					X
2019-3142	Aquatic Plant Management	1	Permit Issued					X
2019-3198	Aquatic Plant Management	1	Permit Issued					X
2019-3227	Aquatic Plant Management	1	Permit Issued					X
2019-3341	Aquatic Plant Management	1	Permit Issued					X
2019-3462	Aquatic Plant Management	1	Permit Issued					X
2019-3475	Aquatic Plant Management	1	Permit Issued					X
2020-0073	Aquatic Plant Management	1	Permit Issued					X
16F-10260	Aquatic Plant Management	2	Permit Renewed					X
2019-2744	Aquatic Plant Management	2	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsive-ness of the Proposer	Reasons for Not Meeting 150 Day Goal: Lack of Staff	Reasons for Not Meeting 150 Day Goal: Scientific/Technical Disagreement	Reasons for Not Meeting 150 Day Goal: Level of public engagement	Reasons for Not Meeting 150 Day Goal: Other
2019-2876	Aquatic Plant Management	2	Permit Issued					X
2019-3012	Aquatic Plant Management	2	Permit Issued					X
2019-3492	Aquatic Plant Management	2	Permit Issued					X
2019-2809	Aquatic Plant Management	3	Permit Issued					X
2019-2823	Aquatic Plant Management	3	Permit Issued					X
2019-3446	Aquatic Plant Management	3	Permit Issued					X
2019-3501	Aquatic Plant Management	3	Permit Issued					X
15F-10010	Aquatic Plant Management	4	Permit Renewed					X
2019-3043	Aquatic Plant Management	4	Permit Issued					X
2019-3470	Aquatic Plant Management	4	Permit Issued					X
2019-2871	Aquatic Plant Management	5	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsive-ness of the Proposer	Reasons for Not Meeting 150 Day Goal: Lack of Staff	Reasons for Not Meeting 150 Day Goal: Scientific/Technical Disagreement	Reasons for Not Meeting 150 Day Goal: Level of public engagement	Reasons for Not Meeting 150 Day Goal: Other
12F-11382	Aquatic Plant Management	6	Permit Renewed					X
2019-2681	Aquatic Plant Management	6	Permit Issued					X
2019-2990	Aquatic Plant Management	6	Permit Issued					X
2019-3486	Aquatic Plant Management	6	Permit Issued					X
2019-0023	Aquatic Plant Management	7	Permit Issued					X
2019-2646	Aquatic Plant Management	12	Permit Issued					X
2019-2791	Aquatic Plant Management	12	Permit Issued					X
2018-0696	Aquatic Plant Management	13	Permit Issued					X
2019-3499	Aquatic Plant Management	18	Permit Issued					X
2019-3156	Aquatic Plant Management	22	Permit Issued					X
2019-2520	Aquatic Plant Management	26	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsive-ness of the Proposer	Reasons for Not Meeting 150 Day Goal: Lack of Staff	Reasons for Not Meeting 150 Day Goal: Scientific/Technical Disagreement	Reasons for Not Meeting 150 Day Goal: Level of public engagement	Reasons for Not Meeting 150 Day Goal: Other
2019-3083	Aquatic Plant Management	28	Permit Issued					X
2019-2923	Aquatic Plant Management	30	Permit Issued					X
2019-2175	Aquatic Plant Management	45	Permit Issued					X
2019-3282	Aquatic Plant Management	84	Permit Issued					X
23255	Endangered Species Collection	0	Issued		X			
28533	Endangered Species Collection	0	Issued		X			
28529	Endangered Species Propagation	554	Issued			X		
23238	Endangered Species Taking incidental to Development	94	Issued		X			
28528	Endangered Species Taking incidental to Development	684	Issued	X				
2018-2259	Public Waters Work	0	Permit Issued		X			X
2018-2945	Public Waters Work	1	Permit Issued			X		

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsive-ness of the Proposer	Reasons for Not Meeting 150 Day Goal: Lack of Staff	Reasons for Not Meeting 150 Day Goal: Scientific/Technical Disagreement	Reasons for Not Meeting 150 Day Goal: Level of public engagement	Reasons for Not Meeting 150 Day Goal: Other
2018-3116	Public Waters Work	1	Permit Issued					X
2019-2479	Public Waters Work	1	Permit Issued					X
2018-3683	Public Waters Work	3	Permit Issued					X
2019-3422	Public Waters Work	3	Permit Issued					X
2019-0224	Public Waters Work	5	Permit Issued					X
2019-0227	Public Waters Work	5	Permit Issued					X
2019-0228	Public Waters Work	5	Permit Issued					X
2018-3568	Public Waters Work	19	Permit Issued		X			X
2018-3326	Public Waters Work	102	Permit Issued			X		
2019-0659	Public Waters Work	136	Permit Issued			X		
1976-6261	Water Appropriation	0	Transferred Permit Issued		X			

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsive-ness of the Proposer	Reasons for Not Meeting 150 Day Goal: Lack of Staff	Reasons for Not Meeting 150 Day Goal: Scientific/Technical Disagreement	Reasons for Not Meeting 150 Day Goal: Level of public engagement	Reasons for Not Meeting 150 Day Goal: Other
1976-6262	Water Appropriation	0	Transferred Permit Issued		X			
1977-6071	Water Appropriation	0	Transferred Permit Issued		X			
1977-6072	Water Appropriation	0	Transferred Permit Issued		X			
2009-0656	Water Appropriation	0	Transferred Permit Issued		X			
2019-3100	Water Appropriation	1	Permit Issued					
1963-0691	Water Appropriation	2	Amended Permit Issued			X		
1984-3199	Water Appropriation	2	Amended Permit Issued		X			
1988-4198	Water Appropriation	3	Amended Permit Issued					X
2017-2289	Water Appropriation	5	Permit Issued		X			
2019-0916	Water Appropriation	5	Permit Issued					X
2019-0918	Water Appropriation	5	Permit Issued					X Environmental Review

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsive-ness of the Proposer	Reasons for Not Meeting 150 Day Goal: Lack of Staff	Reasons for Not Meeting 150 Day Goal: Scientific/Technical Disagreement	Reasons for Not Meeting 150 Day Goal: Level of public engagement	Reasons for Not Meeting 150 Day Goal: Other
2019-1667	Water Appropriation	7	Permit Issued					X Environmental Review
1981-4116	Water Appropriation	8	Amended Permit Issued			X		
2018-3793	Water Appropriation	8	Permit Issued					X
1976-6134	Water Appropriation	14	Transferred Permit Issued		X			
2018-3270	Water Appropriation	15	Permit Issued					X
2017-2918	Water Appropriation	16	Permit Issued					X Environmental Review
2019-3499	Water Appropriation	18	Permit Issued					X Environmental Review
2013-0879	Water Appropriation	26	Amended Permit Issued					X
2013-0880	Water Appropriation	26	Amended Permit Issued					X
2013-0881	Water Appropriation	26	Amended Permit Issued					X
2013-0878	Water Appropriation	28	Amended Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsive-ness of the Proposer	Reasons for Not Meeting 150 Day Goal: Lack of Staff	Reasons for Not Meeting 150 Day Goal: Scientific/Technical Disagreement	Reasons for Not Meeting 150 Day Goal: Level of public engagement	Reasons for Not Meeting 150 Day Goal: Other
2011-0553	Water Appropriation	41	Amended Permit Issued					X
1990-6183	Water Appropriation	58	Transferred Permit Issued		X			
1991-1252	Water Appropriation	79	Amended Permit Issued					X Environmental Review
1988-1154	Water Appropriation	96	Amended Permit Issued					X Environmental Review
2018-3169	Water Appropriation	147	Permit Issued					X
2001-6076	Water Appropriation	456	Amended Permit Issued	X	X			
Minntac Ontario Extension	Permit to Mine Amendment	326	Approved					X- Delay was due to delays in processing of the permit due to DNR and mine staff working remotely
2018-0333	Invasive Aquatic Plant Management	0	Permit Renewed		x			

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2017-2870	Invasive Aquatic Plant Management	7	Permit Renewed					X, spring delineation could not be done until EWM present
2017-1978	Invasive Aquatic Plant Management	11	Permit Renewed					X, delineation required before issuance and could not occur until spring
2017-3595	Invasive Aquatic Plant Management	35	Permit Renewed					X, application submitted in winter, EWM not growing until mid summer

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.