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Environmental Permit Performance: Report for Fiscal Year 2021

150-Day and 90-Day Permit Decision Goals



September 7, 2021

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 Minnesotans 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 for Tier 1 permits or within 150 days of receiving a complete application for Tier 2 permits. Tier 1 permits 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 2021 included:

- 831 permit applications in progress on July 1, 2020,

- 9,825 new applications received,
- 9,019 applications approved or denied,
- 727 applications withdrawn, and
- 910 applications in progress on July 1, 2021.

DNR continued to do well with its permitting goals. We found that lack of staff contributed to several permit delays due to workload capacity issues. The number of permits and the complexity of the permits can impact workload. 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 also contributed 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 application 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 5,203 Tier 1 permit applications for which a decision was made in fiscal year 2021:

- 5,078 Tier 1 permit applications, 97.6%, were approved or denied within 90 days of receiving an initial application,
- 5,188 Tier 1 permit applications, 99.7%, were approved or denied within 90 days of receiving a complete application, and
- 15 Tier 1 permit applications, 0.3%, took longer than 90 days to approve or deny following a complete application.

Of the 3,816 Tier 2 permit applications for which a decision was made in fiscal year 2021:

- 3,518 Tier 2 permit applications, 92.2%, were approved or denied within 150 days of receiving an initial application,
- 3,713 Tier 2 permit applications, 97.3%, were approved or denied within 150 days of receiving a complete application, and
- 103 Tier 2 permit applications, 2.7%, took longer than 150 days to approve or deny following a complete application.

Table 3 details the causes of delay for the 15 Tier 1 permit decisions that took more than 90 days from a complete application for a DNR decision. Table 4 details the causes of delay for the

103 Tier 2 permit decisions that took more than 150 days from a complete application¹ for a DNR decision. Many aquatic plant management (APM) permit applications were submitted well in advance of the permitting season, which can cause increased delays from application submission because the site inspections required to make decisions on Tier 2 APM applications cannot occur until plant growth begins. In these instances, the reason for delay shown in Table 4 is “other.”

¹ The mine permit 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.

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

7/1/2020 – 6/30/2021

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	559	39	577	484	480	4	0	82	32	3	0
Public Waters Work	275	36	285	241	205	28	8	14	56	25	0
Aquatic Plant Management ²	4,594	63	4,602	4,478	4,393	78	7	134	45		1
Invasive Aquatic Plant Management											
Endangered Species Takings											
Mine – Iron Ore and Taconite											
Mine – Non-Ferrous Metallic Minerals											
Mine – Peat											
Total	5,428	138	5,464	5,203	5,078	110	15	230	133	N/A	N/A

² Aquatic plant management permits include restoration permits.

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

7/1/2020 – 6/30/2021

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	603	124	603	483	411	46	26	75	169	55	8
Public Waters Work	847	226	844	657	565	79	13	130	286	33	19
Aquatic Plant Management ³	2,341	218	2,329	2,207	2,144	14	49	159	193	7	0
Invasive Aquatic Plant Management	541	102	553	415	354	50	11	132	96	0	46
Endangered Species Takings	54	9	48	47	41	4	2	1	15	50	5
Mine – Iron Ore and Taconite	10	11	6	6	3	2	1	0	15	77	48
Mine – Non-Ferrous Metallic Minerals	0	0	0	0	0	0	0	0	0	N/A	N/A
Mine – Peat	1	3	1	1	0	0	1	0	3	N/A	36
Total	4,397	693	4,384	3,816	3,518	195	103	497	777	N/A	N/A

³ Aquatic Plant Management permits include 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: Responsiveness 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
15F-3B727	Aquatic Plant Management	0	Permit Renewed					X
2018-3087	Aquatic Plant Management	1	Permit Renewed					X
2018-2732	Aquatic Plant Management	6	Permit Renewed					X
2018-3896	Aquatic Plant Management	6	Permit Renewed					X
16F-1A1125	Aquatic Plant Management	11	Permit Renewed					X
2018-3087	Aquatic Plant Management	32	Permit Renewed					X
2018-1499	Aquatic Plant Management	41	Permit Renewed					X
2019-3584	Public Waters Work	0	Permit Renewed			X		
2021-0106	Public Waters Work	0	Permit Issued		x			
2020-0625	Public Waters Work	7	Permit Issued					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: Responsiveness 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
2020-3087	Public Waters Work	7	Permit Issued					X
2020-3168	Public Waters Work	7	Permit Issued					X
2020-2829	Public Waters Work	14	Permit Issued					X
2020-0479	Public Waters Work	16	Permit Issued		X			X
2021-0320	Public Waters Work	20	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: Responsiveness 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-11294	Aquatic Plant Management	0	Permit Renewed					X
2018-2677	Aquatic Plant Management	0	Permit Renewed					X
2020-3098	Aquatic Plant Management	0	Permit Issued					X
2020-3099	Aquatic Plant Management	0	Permit Issued					X
2020-3116	Aquatic Plant Management	0	Permit Issued					X
2020-3126	Aquatic Plant Management	0	Permit Issued					X
2020-3166	Aquatic Plant Management	0	Permit Issued					X
2020-3173	Aquatic Plant Management	0	Permit Issued					X
2020-3174	Aquatic Plant Management	0	Permit Issued					X
2020-3220	Aquatic Plant Management	0	Permit Issued					X

⁵ The mine permit 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: Responsiveness 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
2020-3395	Aquatic Plant Management	0	Permit Issued					X
2019-2385	Aquatic Plant Management	1	Permit Issued					X
2020-0960	Aquatic Plant Management	1	Permit Issued					X
2020-2556	Aquatic Plant Management	1	Permit issued					X
2020-3072	Aquatic Plant Management	1	Permit Issued					X
2020-3079	Aquatic Plant Management	1	Permit Issued					X
2020-3115	Aquatic Plant Management	1	Permit Issued					X
2020-3306	Aquatic Plant Management	1	Permit Issued					X
2020-3362	Aquatic Plant Management	1	Permit Issued		X			X
2021-0005	Aquatic Plant Management	1	Permit Issued					X
2019-3545	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: Responsiveness 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
2020-0361	Aquatic Plant Management	2	Permit Issued					X
2020-3107	Aquatic Plant Management	2	Permit Issued		X			
2020-3195	Aquatic Plant Management	2	Permit Issued					X
2020-3263	Aquatic Plant Management	2	Permit Issued					X
2020-3267	Aquatic Plant Management	2	Permit Issued					X
2021-0002	Aquatic Plant Management	2	Permit Issued					X
2020-0274	Aquatic Plant Management	3	Permit Issued					X
2020-0396	Aquatic Plant Management	3	Permit Denied					X
2020-3058	Aquatic Plant Management	3	Permit Issued					X
2020-3294	Aquatic Plant Management	4	Permit Issued					X
2020-3385	Aquatic Plant Management	4	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsiveness 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
2020-1539	Aquatic Plant Management	5	Permit Denied					X
2020-3150	Aquatic Plant Management	5	Permit Issued					X
2020-3295	Aquatic Plant Management	6	Permit Issued		X			X
2018-2633	Aquatic Plant Management	6	Permit Denied					X
2020-1020	Aquatic Plant Management	8	Permit Issued					X
2020-3305	Aquatic Plant Management	8	Permit Issued					X
2020-3036	Aquatic Plant Management	9	Permit Issued					X
2020-3314	Aquatic Plant Management	9	Permit Issued					X
2020-3026	Aquatic Plant Management	10	Permit Issued					X
2020-3160	Aquatic Plant Management	11	Permit Issued					X
2020-3187	Aquatic Plant Management	15	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsiveness 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
2020-3411	Aquatic Plant Management	17	Permit Issued					X
2018-1204	Aquatic Plant Management	19	Permit Renewed					X
2020-2861	Aquatic Plant Management	35	Permit Issued					X
2020-2996	Aquatic Plant Management	56	Permit Issued					X
15F-11451	Aquatic Plant Management	60	Permit Renewed					X
2020-3024	Aquatic Plant Management	70	Permit Issued					X
Hibbing Taconite – Buttress	Mine – Iron Ore and Taconite	183	Approved	X	X			
Northshore Mining Company – Stockpile Modification	Mine – Iron Ore and Taconite	321	Approved					X. Lower priority project (i.e., not time sensitive)

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsiveness 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
Keewatin Taconite – Stockpile A Road	Mine – Iron Ore and Taconite	196	Approved	X	X			
Sampson Farms – Assignment to APT	Mine – Peat	1015	Approved	X				
2018-1380	Invasive Aquatic Plant Management	0	Permit Renewed	X				
2017-0653	Invasive Aquatic Plant Management	1	Permit Renewed					X. spring delineation could not occur until spring/summer
2017-3409	Invasive Aquatic Plant Management	3	Permit Renewed					X. field delineation required prior to issuance
2017-2634	Invasive Aquatic Plant Management	4	Permit Renewed					X. spring delineation could not occur until spring/summer

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsiveness 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
2020-0211	Invasive Aquatic Plant Management	4	Permit Renewed					X. Waited on survey to map invasive plants
2017-1210	Invasive Aquatic Plant Management	8	Permit Renewed					X. Staff was waiting for map showing treatment areas.
2019-3016	Invasive Aquatic Plant Management	10	Permit Renewed					X. Summer treatment of EWM was not a good option due to dense native aquatic plants. Waited until fall to reevaluate the site, issued a permit for fall treatment.
2017-3315	Invasive Aquatic Plant Management	11	Permit Renewed					X. spring delineation could not occur until spring/summer

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsiveness 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
2017-3595	Invasive Aquatic Plant Management	18	Permit Renewed					X. Permit application submitted in spring 2020. EWM survey done in August. Contractor agreed to wait to treat EWM until native plants start to senesce in mid-September.
2020-3248	Invasive Aquatic Plant Management	19	Permit Issued					X. Needed proof of applicator license
2018-0332	Invasive Aquatic Plant Management	22	Permit Renewed					X. Invasive species not present until now.

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsiveness 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
28548	Endangered Species Taking incidental to Development	70	Issued					X The need for this permit was contingent on approval of another permit, so issuance was delayed as the other permit was processed.
28571	Endangered Species Collection	0	Issued		X			
2019-3502	Public Waters Work	0	Permit Issued			X		
2019-3588	Water Appropriation	0	Permit Issued					
2020-2542	Public Waters Work	0	Permit Issued		X			X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsiveness 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
2016-1363	Water Appropriation	1	Amended Permit Issued		X			X
2016-1364	Water Appropriation	1	Amended Permit Issued		X			X
2016-1365	Water Appropriation	1	Amended Permit Issued		X			X
2016-1367	Water Appropriation	1	Amended Permit Issued		X			X
2016-1369	Water Appropriation	1	Amended Permit Issued		X			X
2018-0615	Water Appropriation	1	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsiveness 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
2020-2717	Public Waters Work	1	Permit Issued		X			X
2019-3133	Water Appropriation	2	Permit Issued					
2019-0703	Water Appropriation	4	Permit Issued					
2002-5039	Water Appropriation	5	Amended Permit Issued					X
2020-2026	Public Waters Work	5	Permit Issued		X			X
2015-1010	Water Appropriation	6	Permit Denied			X		

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsiveness 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
2019-2958	Water Appropriation	7	Amended Permit Issued		X			
2020-0451	Public Waters Work	7	Permit Issued					X
2015-1224	Water Appropriation	9	Amended Permit Issued		X			
2018-3702	Water Appropriation	9	Permit Issued					X
2020-0517	Public Waters Work	12	Permit Issued			X		
1971-0938	Water Appropriation	13	Amendment Denied			X		X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsiveness 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
2020-0062	Public Waters Work	15	Permit Issued			X		
2020-0344	Public Waters Work	15	Permit Issued		X			X
2020-0669	Water Appropriation	15	Permit Issued					X
2020-0264	Public Waters Work	19	Permit Issued		X			X
2020-3405	Public Waters Work	19	Permit Issued		X			
2019-3061	Water Appropriation	20	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsiveness 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
2017-4235	Water Appropriation	23	Permit Issued					X
2017-4236	Water Appropriation	23	Permit Issued					X
2017-4237	Water Appropriation	23	Permit Issued					X
2018-1098	Public Waters Work	28	Amended Permit Issued					X
2020-0672	Water Appropriation	33	Permit Issued					X
2020-2520	Water Appropriation	42	Permit Issued		X			

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting 150 Day Goal: Responsiveness 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
2009-0211	Public Waters Work	52	Amended Permit Issued					X
2019-0358	Water Appropriation	55	Permit Issued					X
2019-2729	Public Waters Work	70	Permit Issued		X		X	
2020-0468	Water Appropriation	118	Permit Issued					X
2018-3867	Water Appropriation	220	Permit Issued					X
1971-0311	Water Appropriation	267	Amended Permit Issued		X		X	

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.