



SENT VIA E-MAIL

August 31, 2017

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

Senator Bill Ingebrigtsen, Chair
Senator David Tomassoni, Ranking Minority Member
Environment and Natural Resources Finance Committee

Senator Carrie Ruud, Chair
Senator Chis Eaton, Ranking Minority Member
Environment and Natural Resources Policy and Legacy Finance Committee

Representative Dan Fabian, Chair
Representative Rick Hansen, Ranking Minority Member
Environment and Natural Resources Policy and Finance Committee

Dear Governor, Chairs and Ranking Minority Members:

The Minnesota Department of Natural Resources (DNR) is submitting the Environmental Permit Performance Report for Fiscal Year 2017 pursuant to Minnesota Statutes 84.027 Subd. 14a. As required, this report will be posted to the DNR website and two hard-copies will be provided to the Legislative Reference Library.

If you or your staff have questions regarding this report, please contact Peter Holt at 651.259.5565 or Peter.Holt@state.mn.us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Landwehr'.

Tom Landwehr
Commissioner

c: Legislative Reference Library

MINNESOTA DEPARTMENT OF NATURAL
RESOURCES

Environmental Permit Performance:
Report for Fiscal Year 2017
150-Day and 90-Day Permit Decision Goals



August 30th, 2017

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

Estimated cost of preparing this report was \$2,500.

This information is available in an alternative format upon request.

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Minnesota Department of Natural Resources

DNR Information Center

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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. 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. 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. 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
- 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 an initial application (Tier 1 permit applications) or within 150 days of receiving an initial 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 2017 included:

- 425 permit applications in progress on July 1, 2016,

- 7,300 new applications received,
- 6,617 applications approved or denied,
- 485 applications withdrawn, and
- 623 applications in progress after June 30, 2017

DNR continued to do well with its permitting goals. However, we continue to find that 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 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 3,455 Tier 1 permit applications where a decision was made in fiscal year 2017:

- 3,409 Tier 1 permit applications, 98.7%, were approved or denied within 90 days of receiving an initial application
- 3,447 Tier 1 permit applications, 99.8%, were approved or denied within 90 day of receiving a complete application
- 8 Tier 1 permit applications, less than 0.5%, took longer than 90 days to approve or deny following a complete application

Of the 3,162 Tier 2 permit applications where a decision was made in fiscal year 2017:

- 2,993 Tier 2 permit applications, 94.7%, were approved or denied within 150 days of receiving an initial application
- 3,081 Tier 2 permit applications, 97.4%, were approved or denied within 150 days of a receiving a complete application
- 81 Tier 2 permit applications, 2.6%, took longer than 150 days to approve or deny following a complete application

Table 3 shows the causes of delay for the 8 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 81 Tier 2 permit decisions that took more than 150 days from a complete application¹ for a DNR decision. Incomplete applications were the primary cause for the permits that were not approved or denied within 90/150 days of initial application.

¹ The mine permit program lists additional permits where the decision exceeded 150 days from initial application. All other programs list permits where the decision exceeded 150 days from a complete application.

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

7/1/2016 – 6/30/2017

| 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 | 527 | 25 | 536 | 482 | 464 | 16 | 2 | 47 | 23 | 3 | 1 |
| Public Waters Work | 275 | 33 | 282 | 257 | 234 | 20 | 3 | 16 | 35 | 15 | 1 |
| Aquatic Plant Management ² | 2790 | 0 | 2780 | 2716 | 2711 | 2 | 3 | 59 | 15 | | 1 |
| Endangered Species Takings | | | | | | | | | | | |
| Mine – Iron Ore and Taconite | | | | | | | | | | | |
| Mine – Non-Ferrous Metallic Minerals | | | | | | | | | | | |
| Mine – Peat | | | | | | | | | | | |
| Total | 3,592 | 58 | 3,598 | 3,455 | 3,409 | 38 | 8 | 122 | 73 | N/A | N/A |

² Aquatic Plant Management Permits includes Restoration permits.

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

7/1/2016 – 6/30/2017

| 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 | 784 | 159 | 791 | 658 | 585 | 39 | 34 | 111 | 174 | 54 | 4 |
| Public Waters Work | 722 | 192 | 704 | 575 | 511 | 41 | 23 | 124 | 215 | 34 | 15 |
| Aquatic Plant Management ³ | 2165 | 0 | 2120 | 1895 | 1874 | 0 | 21 | 127 | 143 | 7 | 0 |
| Endangered Species Takings | 25 | 6 | 30 | 30 | 22 | 6 | 2 | 0 | 1 | 31 | |
| Mine – Iron Ore and Taconite | 9 | 8 | 7 | 3 | 1 | 1 | 1 | 1 | 13 | | 40 |
| Mine – Non-Ferrous Metallic Minerals | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | | |
| Mine – Peat | 2 | 2 | 1 | 1 | 0 | 1 | 0 | 0 | 3 | 127 | |
| Total | 3,708 | 367 | 3,653 | 3,162 | 2,993 | 88 | 81 | 363 | 550 | 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 Goal: Responsive-ness of the Proposer | Reason for Not Meeting Goal: Lack of Staff | Reason for Not Meeting Goal: Scientific/ Technical Disagreement | Reason for Not Meeting Goal: Level of public engagement | Reason for Not Meeting Goal: Other |
|------------|--------------------------|--|----------------|--|--|---|---|------------------------------------|
| 2016-1011 | Water Appropriation | 0 | Permit Issued | | | | | X |
| 2016-2275 | Public Waters Work | 5 | Permit Issued | | | | X | |
| 2016-1937 | Public Waters Work | 7 | Permit Issued | | | | | X |
| 2017-0101 | Public Waters Work | 14 | Permit Issued | | | | | X |
| 2017-0087 | Water Appropriation | 40 | Permit Issued | | | | | X |
| 16F-1A0307 | Aquatic Plant Management | 0 | Permit Renewed | | | | | X |
| 16F-1A0522 | Aquatic Plant Management | 0 | Permit Renewed | | | | | X |
| 16F-1B0626 | Aquatic Plant Management | 0 | Permit Renewed | | | | | X |

⁴ The list of permits only includes Tier 1 permits that exceeded 90 days from a complete application.

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 Goal: Responsiveness of the Proposer | Reasons for Not Meeting Goal: Lack of Staff | Reasons for Not Meeting Goal: Scientific/ Technical Disagreement | Reasons for Not Meeting Goal: Level of public engagement | Reasons for Not Meeting Goal: Other |
|-----------|----------------------|--|----------------|--|---|--|--|-------------------------------------|
| 2014-1861 | Water Appropriations | 1 | Permit Issued | | | X | | |
| 2016-0462 | Public Waters Work | 1 | Permit Issued | | | X | | |
| 2015-0278 | Water Appropriations | 2 | Permit Amended | | | X | | |
| 2016-0375 | Water Appropriations | 2 | Permit Issued | | | | | X |
| 2016-0489 | Water Appropriations | 2 | Permit Issued | | | | | X |
| 2001-4023 | Water Appropriations | 5 | Permit Issued | | | | | X |
| 2014-1288 | Public Waters Work | 5 | Permit Amended | | | | | X |
| 2015-2563 | Water Appropriations | 6 | Permit Issued | | | X | | |
| 2016-0603 | Water Appropriations | 6 | Permit Issued | | | X | | |
| 2016-1891 | Public Water Work | 6 | Permit Issued | | | | | X |
| 2007-0719 | Water Appropriations | 7 | Permit Amended | | | X | | |
| 2014-1356 | Public Water Work | 9 | Permit Issued | | | | | X |
| 2015-1013 | Water Appropriations | 9 | Permit Issued | | X | X | | |

⁵ The mine permit program lists permits where the decision exceeded 150-days from initial application. All other programs list permits where the decision exceeded 150-days from a complete application.

| Permit | Type | Days to determine complete application from initial submission | Final Status | Reasons for Not Meeting Goal: Responsiveness of the Proposer | Reasons for Not Meeting Goal: Lack of Staff | Reasons for Not Meeting Goal: Scientific/ Technical Disagreement | Reasons for Not Meeting Goal: Level of public engagement | Reasons for Not Meeting Goal: Other |
|-----------|----------------------|--|-------------------|--|---|--|--|-------------------------------------|
| 2015-2414 | Public Water Work | 10 | Permit Issued | | | X | | |
| 2016-0870 | Public Water Work | 10 | Permit Issued | | | | | X |
| 2016-0871 | Public Water Work | 10 | Permit Issued | | | | | X |
| 2015-2785 | Water Appropriation | 11 | Permit Issued | | | X | | |
| 2015-1254 | Water Appropriation | 12 | Permit Issued | | | X | | |
| 1975-2170 | Water Appropriation | 13 | Permit Reinstated | | | | | X |
| 2016-0324 | Water Appropriation | 13 | Permit Denied | | | X | | X |
| 1975-2222 | Water Appropriation | 14 | Permit Amended | | X | | | |
| 2015-2744 | Water Appropriation | 15 | Permit Issued | | X | | | |
| 2015-0308 | Public Water Work | 18 | Permit Issued | | | | | X |
| 2014-0753 | Water Appropriation | 20 | Permit Issued | | X | | | |
| 2002-4134 | Water Appropriation | 22 | Permit Issued | | | | | X |
| 2016-1189 | Public Water Work | 22 | Permit Issued | | | | | X |
| 2016-1274 | Public Waters Work | 25 | Permit Issued | | | | | X |
| 2016-0351 | Water Appropriations | 29 | Permit Issued | | | X | | |
| 2015-2753 | Public Waters Work | 34 | Permit Issued | | X | | | |

| Permit | Type | Days to determine complete application from initial submission | Final Status | Reasons for Not Meeting Goal: Responsiveness of the Proposer | Reasons for Not Meeting Goal: Lack of Staff | Reasons for Not Meeting Goal: Scientific/ Technical Disagreement | Reasons for Not Meeting Goal: Level of public engagement | Reasons for Not Meeting Goal: Other |
|-----------|----------------------|--|--------------------|--|---|--|--|-------------------------------------|
| 1994-3125 | Water Appropriations | 39 | Permit Transferred | | | X | | |
| 1995-3107 | Water Appropriations | 39 | Permit Transferred | | | X | | |
| 2008-0620 | Water Appropriations | 39 | Permit Transferred | | | X | | |
| 2016-0386 | Public Waters Work | 40 | Permit Denied | | | X | X | X |
| 1967-0348 | Water Appropriations | 42 | Permit Transferred | | | X | | |
| 1976-3302 | Water Appropriations | 42 | Permit Transferred | | | X | | |
| 1984-3254 | Water Appropriations | 42 | Permit Transferred | | | X | | |
| 2016-1034 | Public Waters Work | 43 | Permit Issued | | | | | X |
| 2016-0407 | Public Waters Work | 44 | Permit Issued | | | | X | |
| 2016-1373 | Public Waters Work | 52 | Permit Issued | | X | | | |
| 1988-4142 | Water Appropriations | 57 | Permit Amended | | | X | | |
| 2015-2656 | Water Appropriations | 61 | Permit Issued | | | | | X |
| 2016-0173 | Public Waters Work | 66 | Permit Issued | | | X | | |
| 2016-0038 | Public Waters Work | 67 | Permit Issued | | | | X | |
| 2016-0039 | Public Waters Work | 67 | Permit Issued | | | | X | |
| 2016-0040 | Public Waters Work | 67 | Permit Issued | | | | X | |

| Permit | Type | Days to determine complete application from initial submission | Final Status | Reasons for Not Meeting Goal: Responsiveness of the Proposer | Reasons for Not Meeting Goal: Lack of Staff | Reasons for Not Meeting Goal: Scientific/ Technical Disagreement | Reasons for Not Meeting Goal: Level of public engagement | Reasons for Not Meeting Goal: Other |
|---------------------------|--------------------------|--|--------------------|--|---|--|--|--|
| 1987-2047 | Water Appropriations | 77 | Permit Transferred | | | | | X |
| 2016-0789 | Public Waters Work | 79 | Permit Issued | | | | | X |
| 2016-0833 | Public Waters Work | 79 | Permit Issued | | | | | X |
| 1985-3157 | Water Appropriations | 100 | Permit Amended | | | | | X |
| 2013-0930 | Water Appropriations | 118 | Permit Issued | | | | X | |
| 2015-3062 | Public Waters Work | 169 | Permit Issued | | | | | X |
| 2015-0699 | Water Appropriation | 191 | Permit Amended | | | X | | |
| 1977-1085 | Water Appropriation | 259 | Permit Amended | | | X | | |
| 2015-2086 | Public Waters Work | 291 | Permit Issued | | X | | | |
| 2015-1229 | Water Appropriation | 292 | Permit Issued | | | | | X |
| 1978-4300 | Water Appropriation | 413 | Permit Amended | | | X | X | |
| 1975-5183 | Water Appropriation | 621 | Permit Amended | | | | | X |
| UTAC Basin 2V Raise Amend | Iron ore/ Taconite | 770 | Permit Issued | X | | X | | |
| UTAC Auburn Pit Amend | Iron ore/ Taconite | 469 | Permit Issued | X | | X | | |
| Ferweda PTM Release | Peat | 163 | Permit Issued | | | | | X – significant level of review required |
| 12F-2B0824 | Aquatic Plant Management | 0 | Permit Renewed | | | | | X |

| Permit | Type | Days to determine complete application from initial submission | Final Status | Reasons for Not Meeting Goal: Responsiveness of the Proposer | Reasons for Not Meeting Goal: Lack of Staff | Reasons for Not Meeting Goal: Scientific/ Technical Disagreement | Reasons for Not Meeting Goal: Level of public engagement | Reasons for Not Meeting Goal: Other |
|------------|--------------------------|--|----------------|--|---|--|--|-------------------------------------|
| 13F-2B0007 | Aquatic Plant Management | 0 | Permit Renewed | | | | | X |
| 14F-10424 | Aquatic Plant Management | 0 | Permit Renewed | | | | | X |
| 14F-2B0058 | Aquatic Plant Management | 0 | Permit Renewed | | | | | X |
| 14F-2B0140 | Aquatic Plant Management | 0 | Permit Renewed | | | | | X |
| 16F-1B0059 | Aquatic Plant Management | 0 | Permit Renewed | | | | | X |
| 16F-2B0355 | Aquatic Plant Management | 0 | Permit Renewed | | | | | X |
| 16F-2B0894 | Aquatic Plant Management | 0 | Permit Renewed | | | | | X |
| 2016-1839 | Aquatic Plant Management | 0 | Permit Issued | | | | | X |
| 2016-1878 | Aquatic Plant Management | 0 | Permit Issued | | | | | X |
| 2016-1962 | Aquatic Plant Management | 0 | Permit Issued | | | | | X |
| 2016-1988 | Aquatic Plant Management | 0 | Permit Issued | | X | | | |
| 2016-2014 | Aquatic Plant Management | 0 | Permit Issued | | | | | X |
| 2016-2022 | Aquatic Plant Management | 0 | Permit Issued | | X | | | |
| 2016-2042 | Aquatic Plant Management | 0 | Permit Issued | | | | | X |
| 2016-2128 | Aquatic Plant Management | 0 | Permit Issued | | | | | X |
| 2016-2140 | Aquatic Plant Management | 0 | Permit Issued | | | | | X |

| Permit | Type | Days to determine complete application from initial submission | Final Status | Reasons for Not Meeting Goal: Responsiveness of the Proposer | Reasons for Not Meeting Goal: Lack of Staff | Reasons for Not Meeting Goal: Scientific/ Technical Disagreement | Reasons for Not Meeting Goal: Level of public engagement | Reasons for Not Meeting Goal: Other |
|-----------|----------------------------|--|---------------|--|---|--|--|-------------------------------------|
| 2016-2167 | Aquatic Plant Management | 0 | Permit Issued | | | | | X |
| 2016-2216 | Aquatic Plant Management | 0 | Permit Issued | | | | X | |
| 2016-2217 | Aquatic Plant Management | 0 | Permit Issued | | | | | X |
| 2016-2252 | Aquatic Plant Management | 0 | Permit Issued | | | | | X |
| 20832 | Endangered Species Takings | 1030 | Permit Issued | | x | | | |
| 20845 | Endangered Species Takings | 201 | Permit Issued | | 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.

Expanding Use of MPARS:

The Aquatic Plant Management (APM) permit program was recently migrated into the Minnesota DNR Permitting and Reporting System (MPARS). As of February 2017, all APM permits were process and issued via MPARS. Applicants now create an account to apply and pay for permits online. In addition, permits are emailed to property owners and agents, eliminating wait times inherent with the paper mail system previously used for APM permit applications. Applicants who prefer to use a paper application and pay by check may still do so, but extra steps are necessary. MPARS also provides automated reminders to staff as a permit approaches a review goal deadline.