



SENT VIA E-MAIL

September 14, 2018

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 2018 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', is written over a light blue horizontal line.

Tom Landwehr
Commissioner

c: Legislative Reference Library

MINNESOTA DEPARTMENT OF NATURAL
RESOURCES

**Environmental Permit Performance:
Report for Fiscal Year 2018**

150-Day and 90-Day Permit Decision Goals



September 6, 2018

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

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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 2018 included:

- 655 permit applications in progress on July 1, 2017,
- 8,563 new applications received,
- 7,720 applications approved or denied,
- 683 applications withdrawn, and
- 815 applications in progress after June 30, 2018

DNR continued to do well with its permitting goals. However, we did find that staffing limitations contributed to several permit delays, and permit applications not being filled out correctly or not containing enough information also contributed to delays. 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 4,163 Tier 1 permit applications where a decision was made in fiscal year 2018:

- 4,049 Tier 1 permit applications, 97.2%, were approved or denied within 90 days of receiving an initial application
- 4,118 Tier 1 permit applications, 98.9%, were approved or denied within 90 days of receiving a complete application
- 45 Tier 1 permit applications, less than 0.5%, took longer than 90 days to approve or deny following a complete application

Of the 3,557 Tier 2 permit applications where a decision was made in fiscal year 2018:

- 3,303 Tier 2 permit applications, 92.8%, were approved or denied within 150 days of receiving an initial application
- 3,427 Tier 2 permit applications, 96.3%, were approved or denied within 150 days of receiving a complete application
- 130 Tier 2 permit applications, 3.65%, took longer than 150 days to approve or deny following a complete application

Table 3 shows the causes of delay for the 45 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 130 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 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)

7/1/2017 – 6/30/2018

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	615	26	600	519	499	11	9	68	54	5	0
Public Waters Work	217	39	225	216	193	18	5	10	30	27	0
Aquatic Plant Management ²	3,606	14	3,540	3,428	3,357	40	31	99	93	N/A	2
Invasive Aquatic Plant Management											
Endangered Species Takings											
Mine – Iron Ore and Taconite											
Mine – Non-Ferrous Metallic Minerals											
Mine – Peat											
Total	4,438	79	4,365	4,163	4,049	69	45	177	177	N/A	N/A

² Aquatic plant management permits includes restoration permits.

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

7/1/2017 – 6/30/2018

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	544	171	552	456	362	44	50	106	153	49	2
Public Waters Work	720	207	735	590	524	48	18	123	214	32	18
Aquatic Plant Management ³	2,380	144	2,331	2,134	2,061	16	57	173	217	9 <i>(0 for restoration permits)</i>	1 <i>(8 for restoration permits)</i>
Invasive Aquatic Plant Management	447	36	432	341	338	3	0	104	38	9	1
Endangered Species Takings	25	2	26	26	16	8	2	0	1	43	N/A
Mine – Iron Ore and Taconite	8	11	9	10	2	5	3	0	9	98	343
Mine – Non-Ferrous Metallic Minerals	0	1	1	0	0	0	0	0	1	N/A	N/A
Mine – Peat	1	4	1	0	0	0	0	0	5	N/A	N/A
Total	4,125	576	4,087	3,557	3,303	124	130	506	638	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
2017-0288	Public Waters Work	2	Permit Issued		X			X
2017-3762	Water Appropriation	3	Permit Issued		X			X
2018-0349	Water Appropriation	4	Permit Issued		X			
2018-0353	Water Appropriation	4	Permit Issued		X			
2018-0354	Water Appropriation	4	Permit Issued		X			
2018-0355	Water Appropriation	4	Permit Issued		X			
2018-0356	Water Appropriation	4	Permit Issued		X			
2017-4198	Public Waters Work	5	Permit Issued					X
2017-3407	Public Waters Work	7	Permit Issued					X
2017-1224	Water Appropriation	14	Permit Issued		X			

⁴ Tier 1 permits that exceeded 90 days from a complete application.

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
2017-1031	Public Waters Work	18	Permit Issued		X			
2017-0505	Public Waters Work	69	Permit Issued					X
2017-3866	Water Appropriation	99	Permit Issued		X			
2016-1098	Water Appropriation	633	Permit Issued			X		
2017-0387	Aquatic Plant Management	2	Permit Renewed					X
16F-3B109	Aquatic Plant Management	3	Permit Renewed					X
16F-1A0716	Aquatic Plant Management	4	Permit Renewed					X
2017-1943	Aquatic Plant Management	4	Permit Renewed					X
15F-10246	Aquatic Plant Management	5	Permit Renewed					X
2016-1598	Aquatic Plant Management	5	Permit Renewed					X
2016-1599	Aquatic Plant Management	5	Permit Renewed					X

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
2017-3708	Aquatic Plant Management	5	Permit Renewed					X
2017-3709	Aquatic Plant Management	5	Permit Renewed					X
16F-1A0238	Aquatic Plant Management	6	Permit Renewed					X
16F-1A0515	Aquatic Plant Management	6	Permit Renewed					X
16F-3A153	Aquatic Plant Management	6	Permit Renewed					X
2017-0509	Aquatic Plant Management	6	Permit Renewed					X
2017-0834	Aquatic Plant Management	6	Permit Renewed					X
2017-0596	Aquatic Plant Management	7	Permit Renewed					X
2017-3139	Aquatic Plant Management	7	Permit Renewed					X
15F-3A742	Aquatic Plant Management	8	Permit Renewed					X
16F-1A0487	Aquatic Plant Management	8	Permit Renewed					X

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
2016-2022	Aquatic Plant Management	8	Permit Renewed					X
16F-3A173	Aquatic Plant Management	11	Permit Renewed					X
16F-3A408	Aquatic Plant Management	11	Permit Renewed					X
2017-0506	Aquatic Plant Management	11	Permit Renewed					X
16F-2B0389	Aquatic Plant Management	13	Permit Renewed					X
16F-3A1194	Aquatic Plant Management	14	Permit Renewed					X
16F-3A390	Aquatic Plant Management	14	Permit Renewed					X
2017-0243	Aquatic Plant Management	15	Permit Renewed					X
2017-1249	Aquatic Plant Management	16	Permit Renewed					X
16F-1A0047	Aquatic Plant Management	19	Permit Renewed					X
2017-1876	Aquatic Plant Management	27	Permit Renewed					X

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
16F-1A0953	Aquatic Plant Management	37	Permit Renewed					X
2017-1965	Aquatic Plant Management	38	Permit Renewed					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 Goal: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
1985-3135	Public Waters Work	0	Amended Permit Issued		X	X		X
2015-0355	Water Appropriation	0	Amended Permit Issued		X			X
2017-1508	Public Waters Work	0	Permit Issued					X
2017-3862	Public Waters Work	0	Permit Issued	X				
2017-4191	Water Appropriation	0	Permit Issued		X			
2016-0195	Water Appropriation	1	Permit Issued					X
1957-0052	Water Appropriation	3	Amended Permit Issued	X	X			
2014-2076	Water Appropriation	3	Amended Permit Issued		X			
2016-2107	Water Appropriation	3	Permit Issued					X
2017-0190	Public Waters Work	3	Permit Issued			X		
2017-3162	Water Appropriation	4	Permit Issued					X
1977-4305	Water Appropriation	5	Amended Permit Issued			X		
1990-3247	Water Appropriation	6	Amended Permit Issued		X			X
1995-3158	Water Appropriation	6	Amended Permit Issued		X			

⁵ Tier 2 permits that exceeded 150 days from a complete application.

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2016-0626	Water Appropriation	7	Permit Issued		X			
2017-0034	Public Waters Work	7	Permit Issued					X
2017-1343	Water Appropriation	7	Permit Issued					X
2002-3169	Water Appropriation	9	Amended Permit Issued		X			
2017-2354	Water Appropriation	9	Permit Issued		X			
2008-0036	Water Appropriation	10	Amended Permit Issued					X
2012-0113	Water Appropriation	10	Amended Permit Issued					X
2017-3245	Public Waters Work	10	Permit Issued	X				
2017-3611	Public Waters Work	10	Permit Issued					X
2017-0992	Public Waters Work	11	Permit Issued		X			
2011-0524	Water Appropriation	14	Permit Reinstated					
2016-0152	Water Appropriation	14	Permit Issued					X
2017-2444	Water Appropriation	14	Permit Issued		X			X
2017-3668	Public Waters Work	15	Permit Issued		X			
2017-2109	Water Appropriation	16	Permit Issued					X
2017-2088	Water Appropriation	17	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2017-2956	Public Waters Work	19	Permit Issued			X	X	
1976-4019	Water Appropriation	20	Amended Permit Issued		X			
2017-0809	Public Waters Work	20	Permit Issued		X			
2017-3905	Public Waters Work	20	Permit Issued	X				
1991-4122	Water Appropriation	21	Amended Permit Issued					X
1994-4169	Water Appropriation	21	Transferred Permit Issued					X
2010-0167	Water Appropriation	21	Transferred Permit Issued					X
2011-0351	Water Appropriation	21	Transferred Permit Issued					X
2017-2688	Public Waters Work	21	Permit Issued					X
2017-3484	Public Waters Work	21	Permit Issued	X				
2015-2271	Water Appropriation	28	Permit Issued			X		
2017-3175	Public Waters Work	28	Permit Issued		X			
1987-6127	Water Appropriation	30	Transferred Permit Issued		X			X
2011-0141	Water Appropriation	30	Transferred Permit Issued					X
2009-0568	Water Appropriation	31	Amended Permit Issued		X			
2015-0152	Water Appropriation	34	Transferred Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
1976-5100	Water Appropriation	36	Amended Permit Issued					X
1996-3120	Water Appropriation	37	Amended Permit Issued		X			X
2016-0627	Water Appropriation	39	Permit Issued			X		
2014-0433	Water Appropriation	40	Permit Issued					X
1969-0215	Water Appropriation	42	Amended Permit Issued					X
2012-0683	Water Appropriation	42	Transferred Permit Issued					X
2014-1763	Water Appropriation	42	Amended Permit Issued	X				X
2015-0989	Water Appropriation	46	Permit Denied					X
2016-1609	Water Appropriation	50	Permit Issued					X
2017-0253	Public Waters Work	61	Permit Issued					X
2017-2029	Public Waters Work	89	Permit Issued	X				
1979-3036	Water Appropriation	96	Amended Permit Issued					X
2015-0407	Water Appropriation	107	Permit Issued		X			
2017-2045	Water Appropriation	114	Permit Issued		X			
2016-1040	Water Appropriation	124	Permit Issued					X
2016-1041	Water Appropriation	124	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2017-0344	Water Appropriation	143	Permit Issued			X		X
2015-2906	Water Appropriation	148	Permit Issued					X
2016-0597	Public Waters Work	209	Permit Issued			X		
2014-0597	Water Appropriation	232	Permit Issued			X		
2016-0643	Water Appropriation	294	Permit Denied	X			X	
1975-2266	Water Appropriation	368	Amended Permit Issued	X	X			
ERPI Assignment	Scram	255	Approved	X				
ERPI Assignment	Scram	255	Approved	X				
ERPI Assignment	Scram	255	Approved	X				
11F-2B00103	Aquatic Plant Management	0	Permit Renewed					X
2017-4107	Aquatic Plant Management	0	Permit Issued					X
2017-4111	Aquatic Plant Management	0	Permit Issued					X
2017-4112	Aquatic Plant Management	0	Permit Issued					X
2017-4172	Aquatic Plant Management	0	Permit Issued					X
2017-3103	Aquatic Plant Management	1	Permit Issued					X
2017-3271	Aquatic Plant Management	1	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2017-3281	Aquatic Plant Management	1	Permit Issued					X
2017-3282	Aquatic Plant Management	1	Permit Issued					X
2017-3330	Aquatic Plant Management	1	Permit Issued					X
2017-3333	Aquatic Plant Management	1	Permit Issued					X
2017-3715	Aquatic Plant Management	1	Permit Issued					X
2017-3738	Aquatic Plant Management	1	Permit Issued					X
2017-3805	Aquatic Plant Management	1	Permit Issued					X
2017-3881	Aquatic Plant Management	1	Permit Issued					X
2017-3891	Aquatic Plant Management	1	Permit Issued					X
2017-4257	Aquatic Plant Management	1	Permit Issued					X
15F-11473	Aquatic Plant Management	2	Permit Renewed					X
2017-3522	Aquatic Plant Management	2	Permit Issued					X
2017-3661	Aquatic Plant Management	2	Permit Issued					X
2017-3898	Aquatic Plant Management	2	Permit Issued					X
2017-3957	Aquatic Plant Management	2	Permit Issued					X
2017-4031	Aquatic Plant Management	2	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2017-4155	Aquatic Plant Management	2	Permit Issued					X
2017-4156	Aquatic Plant Management	2	Permit Issued					X
2017-3244	Aquatic Plant Management	3	Permit Issued					X
2017-3435	Aquatic Plant Management	3	Permit Issued					X
2017-3542	Aquatic Plant Management	3	Permit Issued					X
2017-3713	Aquatic Plant Management	3	Permit Issued					X
2017-3889	Aquatic Plant Management	3	Permit Issued					X
2017-4088	Aquatic Plant Management	3	Permit Issued					X
2017-4258	Aquatic Plant Management	3	Permit Issued					X
2017-2994	Aquatic Plant Management	4	Permit Issued					X
2017-3741	Aquatic Plant Management	4	Permit Issued					X
2017-4078	Aquatic Plant Management	4	Permit Issued					X
2017-4138	Aquatic Plant Management	4	Permit Issued					X
2017-3922	Aquatic Plant Management	5	Permit Issued					X
2017-3706	Aquatic Plant Management	6	Permit Issued					X
2017-3783	Aquatic Plant Management	6	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2017-3930	Aquatic Plant Management	6	Permit Issued					X
2017-4085	Aquatic Plant Management	6	Permit Issued					X
2017-3606	Aquatic Plant Management	7	Permit Issued					X
2017-4124	Aquatic Plant Management	7	Permit Issued					X
2017-3672	Aquatic Plant Management	8	Permit Issued					X
2017-3525	Aquatic Plant Management	10	Permit Issued					X
2017-3744	Aquatic Plant Management	11	Permit Issued					X
2017-3900	Aquatic Plant Management	13	Permit Issued					X
2017-4029	Aquatic Plant Management	13	Permit Issued					X
2017-3348	Aquatic Plant Management	14	Permit Issued					X
2017-4296	Aquatic Plant Management	14	Permit Issued					X
2017-1444	Aquatic Plant Management	15	Permit Denied					X
2017-3757	Aquatic Plant Management	15	Permit Issued					X
2017-3507	Aquatic Plant Management	18	Permit Issued					X
2017-4169	Aquatic Plant Management	25	Permit Issued					X
2017-3234	Aquatic Plant Management	33	Permit Issued					X

Permit	Type	Days to determine complete application from initial submission	Final Status	Reasons for Not Meeting Goal: Responsive-ness of the Proposer	Reasons for Not Meeting Goal: Lack of Staff	Reasons for Not Meeting Goal: Scientific/ Technical	Reasons for Not Meeting Goal: Level of public engagement	Reasons for Not Meeting Goal: Other
2017-4252	Aquatic Plant Management	35	Permit Issued					X
2017-1557	Aquatic Plant Management	45	Permit Issued					X
20849	Endangered Species Takings	424	Issued		X			
23214	Endangered Species Takings	620	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.