**Section 895.50 Issuance of Letter of Permission**

a) The Department shall issue or deny issuance of the requested LOP within 45 days after receipt of a complete application.

b) The LOP shall be issued for a non-chemical method or the single, one-time, use of a USEPA approved and registered aquatic herbicide to remove, destroy or limit the growth of aquatic plants. Exception: In instances where a chemical treatment is proposed to be at reduced application rates with a not-to-exceed dosage limit, over multiple applications, this will be viewed as a one-time application.

c) New applications for a LOP will be reviewed with consideration given to the cumulative effect of applications already approved for the body of water.

d) The Department may deny issuance of the requested LOP if:

1) The proposed chemical is not labeled and registered for the intended use by the USEPA;

2) The Fox Waterway Agency recommends to the Department that a LOP not be granted;

3) The Department determines the proposed treatment will result in a hazard to humans, animals or other non-targeted organisms, or will not provide nuisance relief;

4) The Department determines that the proposed treatment will result in a significant adverse effect on the body of water or will place unreasonable restrictions on existing water uses;

5) The proposed treatment is for waters beyond 75 feet from the shore except where approval is given by the Department to maintain navigation channels, piers or other facilities used by organizations or the public, including commercial facilities;

6) The Department determines that the proposed treatment will significantly injure non-target organisms within the treatment area or adjacent areas either directly or through habitat destruction;

7) The proposed treatment is in a location known to have endangered or threatened species as determined by the Department; or

8) The proposed chemical application is in a location identified by the Department as a sensitive area, except when the applicant demonstrates to the satisfaction of the Department that treatments can be conducted in a manner that will not alter the ecological character or reduce the ecological value of the area.