

M E M O R A N D U M

TO: Governing Board Members

FROM: Rich Virgil, P.E., Field Operations Division

DATE: December 11, 2025

SUBJECT: Request for Right-of-Way Occupancy Permit

Agenda Item Background:

Miccosukee Tribe of Indians of Florida (Applicant) requests a Standard Right-of-Way Occupancy Permit Number 17478-R (ROW Permit) to allow a portion of 65 parking spaces and related improvements in the south right of way of the L-29 Canal approximately 0.25 miles west of Shark Valley Loop Road. The proposed parking is associated with a retail/restaurant/gas station development that is currently under construction. A waiver of District criteria is required because the portions of the proposed parking spaces that encroach into the right-of-way are prohibited in the right-of-way.

Applicant has demonstrated that the requested waiver should be granted under the principles of fairness. The District has authorized similar waivers for recreational and commercial facilities of the Applicant within the District's L-29 right-of-way. The District recognizes and respects the Applicant's cultural and historical use of lands that lie adjacent to and within the L-29 Canal right-of-way. Accordingly, the District has granted waivers to criteria for more than 50 years to allow buildings, parking, and other commercial activities in the District's right-of-way when such uses do not conflict with performance of the District's mission. Approval of the subject application is consistent with those historic approvals.

The application is currently under review by the U.S. Army Corps of Engineers. No work may commence within the right-of-way until the required Section 408 authorization is granted. Granting the waiver will not adversely impact the District's ability to perform routine or emergency operations, maintenance, or future construction activities.

Staff Contact and/or Presenter:

Rich Virgil, P.E., rvirgil@sfwmd.gov, 561-682-6759

ATTACHMENTS:

[Backup Presentation](#)