

**TABLE OF CONTENTS**  
**RIGHT OF WAY OCCUPANCY CONSENT AGENDA FOR GOVERNING**  
**BOARD APPROVAL**

**July 15, 2010**

	<b><u>PAGES</u></b>
<b>I. RIGHT OF WAY OCCUPANCY NEW PERMITS:</b>	<b>2 - 3</b>
<p>Governing Board action is required for routine requests for permits which conform to applicable rules for utilization of Works and Lands of the District. Items are placed on this Consent Agenda when the staff's recommendation is for <u>approval</u>.</p>	
<b>II RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS:</b>	<b>4</b>
<p>Governing Board action is required for routine requests for permits which conform to applicable rules for utilization of Works and Lands of the District. Items are placed on this Consent Agenda when the staff's recommendation is for <u>approval</u>.</p>	
<b>III. RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA:</b>	<b>5 - 11</b>
<p>Governing Board action is required on petitions received requesting a waiver of District criteria. Section 120.542, F.S. and Rule 28-104.002, F.A.C., requires agencies to <u>grant variances and waivers</u> to their own rules when a person subject to the rules files a petition and demonstrates that he or she can achieve, or has achieved, the purpose of the underlying statute by other means <u>and</u> when application of rule would create a substantial hardship or would violate principles of fairness. A "substantial hardship" is defined as a demonstrated economic, technological, legal or other type of hardship to the person requesting the waiver. "Principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule. A "waiver" is defined as an agency decision not to apply all or part of a rule to the person subject to the rule.</p>	
<b>IV. CONCURRENCE WITH EXECUTIVE DIRECTOR'S EMERGENCY AUTHORIZATIONS:</b>	<b>12</b>
<p>Governing Board action is required to concur with the emergency authorization issued by the Executive Director, in accordance with 373.119(2), F.S., as the Executive Director deems necessary to meet the emergency. Items are placed on this Consent Agenda for concurrence.</p>	



**RIGHT OF WAY OCCUPANCY NEW PERMITS**

5. BLACK FIN INVESTMENTS, LLC  
Palm Beach County
- Permit No. 13683  
Appl. No. 10-0510-3  
(Easement)

AUTHORIZING: EXISTING AND PROPOSED LANDSCAPING, PROPOSED INSTALLATION OF A FENCE LOCATED 90' FROM THE TOP OF THE CANAL BANK WITHIN THE EAST RIGHT OF WAY OF C-18E AT THE REAR OF 8945 155<sup>TH</sup> PLACE NORTH.

LAST DATE FOR BOARD ACTION: JULY 15, 2010

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6. CITY OF POMPANO BEACH  
Broward County
- Permit No. 13693  
Appl. No. 10-0305-2  
(Easement)

AUTHORIZING: PASSIVE PARK CONSISTING OF PEDESTRIAN PATH AND LANDSCAPING PARTIALLY WITHIN THE NORTH RIGHT OF WAY OF THE OLD POMPANO CANAL LOCATED IMMEDIATELY WEST OF S.E. 3<sup>RD</sup> AVENUE AT DISTRICT WATER CONTROL STRUCTURE G-57.

LAST DATE FOR BOARD ACTION: AUGUST 12, 2010

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7. JAMES D. & KRISTIE T. PSZANKA  
Broward County
- Permit No. 13695  
Emergency Order No. 2010-112-DAO  
Appl. No. 10-0603-2  
(Easement )

AUTHORIZING: APPROXIMATELY 75 LINEAR FEET OF EXISTING SEAWALL; ALSO, AN EXISTING DOCK AND LANDSCAPING CONSISTING OF PALM TREES AND SHRUBS WITHIN THE NORTHEAST RIGHT OF WAY OF C-14 AT THE REAR OF 330 S.W. 18<sup>TH</sup> COURT (LOT 13, BLOCK 4, BOULEVARD PARK ISLES SECTION 4).

LAST DATE FOR BOARD ACTION: AUGUST 12, 2010

## RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS

1. LILIA & EMILIO GONZALEZ Permit Number 12748  
St. Lucie County Appl. No. 09-0817-1M  
(Easement)

AUTHORIZING: EXISTING ADDITIONAL BOAT LIFT WITHIN THE SOUTH RIGHT OF WAY OF C-24 LOCATED AT THE REAR OF 2725 SOUTHWEST ANN ARBOR ROAD (LOT 25, BLOCK 2934, PORT ST. LUCIE SECTION 41).

LAST DATE FOR BOARD ACTION: JULY 15, 2010

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2. MIAMI-DADE COUNTY PUBLIC WORKS Permit Number 12038  
DEPARTMENT Appl. No.10-0510-2M  
Miami-Dade County (Fee & Easement)

AUTHORIZING: EXISTING MANHOLE WITHIN THE SOUTHEAST QUADRANT OF THE S.W. 136<sup>TH</sup> STREET BRIDGE CROSSING C-1W.

LAST DATE FOR BOARD ACTION: JULY 15, 2010

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## RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

1. Consideration of a request by **U.S. Geological Survey**, (Application Number 10-0330-1, Permit Number 13689), for issuance of a Right of Way Occupancy Permit and Waiver of the District's criteria for the proposed installation of a temporary Stream Monitoring Station consisting of a water velocity meter attached to a mount and 2 water temperature probes that extend into the canal which will be attached to a shelter to be located on the canal bank housing the data logger and battery within the north right of way of C-2 located 400' west of Southwest 100<sup>th</sup> Avenue) bridge to quantify the interaction of the surface water and groundwater at the Snapper Creek Well field. Location: Miami-Dade County, Section 32, Township 54 South, Range 40 East.

The applicant's request for Waiver of the District's criteria, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District is based on "substantial hardship" and "principles of fairness". The applicant asserts that if required to install the facility at a point 40 feet from the top of canal bank it would greatly increase the cost in labor, materials and equipment usage in the amount of \$3,020.00 as the probes will have a much greater distance to reach the canal. Also, the applicant has many existing, permitted similar monitoring sites on other SFWMD canals within 40 feet of the top of canal bank. The applicant's petition states the grassed area immediately surrounding the proposed stream monitoring station will be maintained by the U.S. Geological Survey within a 5' diameter around the site.

The District's Operations Maintenance Resources Department has stated that the proposed facilities will not interfere with their ability to perform necessary construction, alteration, operation and routine maintenance activities, so the purpose of the underlying statute will be achieved.

The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to section 120.542(6), F.S., notice of the petition was provided to the Department of State and was published in *Volume 36, Number 20* of the *Florida Administrative Weekly* on May 21, 2010. No public comments were received.

Therefore, staff recommends **approval** of the issuance of Right of Way Occupancy Permit Number 13689 and **approval** of the petition for Waiver of the District's criteria which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank within Works or Lands of the District.  
(Fee)

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2. Consideration of a request by **U.S. Geological Survey**, (Application Number 10-0330-3, Permit Number 13691), for issuance of a Right of Way Occupancy Permit and Waiver of the District's criteria for the proposed installation of a temporary Stream Monitoring Station consisting of a water velocity meter attached to a mount and 2 water temperature probes that extend into the canal which will be attached to a shelter to be located on the canal bank housing the data logger and battery within the north right of way of C-2 located 1,412' east of the west face of Sunset Drive (72<sup>nd</sup> Street) bridge quantify the interaction of the

## RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

surface water and groundwater at the Snapper Creek Well field. Location: Miami-Dade County, Section 32, Township 54 South, Range 40 East.

The applicant's request for Waiver of the District's criteria, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District is based on "substantial hardship" and "principles of fairness". The applicant asserts that if required to install the facility at a point 40 feet from the top of canal bank it would greatly increase the cost in labor, materials and equipment usage in the amount of \$3,020.00 as the probes will have a much greater distance to reach the canal. Also, the applicant has many existing, permitted similar monitoring sites on other SFWMD canals within 40 feet of the top of canal bank. The applicant's petition states the grassed area immediately surrounding the proposed stream monitoring station will be maintained by the U.S. Geological Survey within a 5' diameter around the site.

The District's Operations Maintenance Resources Department has stated that the proposed facilities will not interfere with their ability to perform necessary construction, alteration, operation and routine maintenance activities, so the purpose of the underlying statute will be achieved.

The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to section 120.542(6), F.S., notice of the petition was provided to the Department of State and was published in *Volume 36, Number 20* of the *Florida Administrative Weekly* on May 21, 2010. No public comments were received.

Therefore, staff recommends **approval** of the issuance of Right of Way Occupancy Permit Number 13691 and **approval** of the petition for Waiver of the District's criteria which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank within Works or Lands of the District.  
(Fee)

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3. Consideration of a request by **U.S. Geological Survey**, (Application Number 10-0330-2, Permit Number 13690), for issuance of a Right of Way Occupancy Permit and Waiver of the District's criteria for the proposed installation of a temporary Stream Monitoring Station consisting of a water velocity meter attached to a mount and 2 water temperature probes that extend into the canal which will be attached to a shelter to be located on the canal bank housing the data logger and battery within the north right of way of C-2 located 133' west of the west face of Sunset Drive (72<sup>nd</sup> Street) bridge quantify the interaction of the surface water and groundwater at the Snapper Creek Well field. Location: Miami-Dade County, Section 32, Township 54 South, Range 40 East.

The applicant's request for Waiver of the District's criteria, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District is based on "substantial hardship" and "principles of fairness". The applicant asserts that if

## RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

required to install the facility at a point 40 feet from the top of canal bank it would greatly increase the cost in labor, materials and equipment usage in the amount of \$3,020.00 as the probes will have a much greater distance to reach the canal. Also, the applicant has many existing, permitted similar monitoring sites on other SFWMD canals within 40 feet of the top of canal bank. The applicant's petition states the grass immediately surrounding the proposed monitoring station will be maintained by the U.S. Geological Survey within a 5' diameter around the site.

The District's Operations Maintenance Resources Department has stated that the proposed facilities will not interfere with their ability to perform necessary construction, alteration, operation and routine maintenance activities, so the purpose of the underlying statute will be achieved.

The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to section 120.542(6), F.S., notice of the petition was provided to the Department of State and was published in *Volume 36, Number 20* of the *Florida Administrative Weekly* on May 21, 2010. No public comments were received.

Therefore, staff recommends **approval** of the issuance of Right of Way Occupancy Permit Number 13690 and **approval** of the petition for Waiver of the District's criteria which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank within Works or Lands of the District.  
(Fee)

4. Consideration of a request by **U.S. Geological Survey**, (Application Number 10-0330-4, Permit Number 13692), for issuance of a Right of Way Occupancy Permit and Waiver of the District's criteria for the proposed installation of a temporary Temperature Monitoring Station consisting of 2 temperature probes that extend into the canal and will be attached to the piling of Dade County's existing horizontal water pipe that is elevated over the canal. The probes will be in a 1 ½" PVC pipe that will be attached to the existing piling using band straps. A shelter will be constructed inside an existing fence that is maintained by Dade County. The shelter will house the data logger and battery within the north right of way of C-2 located 1,775' east of the west face of Sunset Drive (72<sup>nd</sup> Street) bridge quantify the interaction of the surface water and groundwater at the Snapper Creek Well field. Location: Miami-Dade County, Section 32, Township 54 South, Range 40 East.

The applicant's request for Waiver of the District's criteria, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District is based on "substantial hardship" and "principles of fairness". The applicant asserts that if required to install the facility at a point 40 feet from the top of canal bank it would greatly increase the cost in labor, materials and equipment usage in the amount of \$3,020.00 as the probes will have a much greater distance to reach the canal. Also, the applicant has many existing, permitted similar monitoring sites on other SFWMD canals within 40 feet of the top of canal bank. The applicant's petition states the grass immediately surrounding the proposed monitoring station will be

## RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

maintained by the U.S. Geological Survey within a 5' diameter around the fenced area housing the shelter.

The District's Operations Maintenance Resources Department has stated that the proposed facilities will not interfere with their ability to perform necessary construction, alteration, operation and routine maintenance activities, so the purpose of the underlying statute will be achieved.

The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to section 120.542(6), F.S., notice of the petition was provided to the Department of State and was published in *Volume 36, Number 20* of the *Florida Administrative Weekly* on May 21, 2010. No public comments were received.

Therefore, staff recommends **approval** of the issuance of Right of Way Occupancy Permit Number 13691 and **approval** of the petition for Waiver of the District's criteria which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank within Works or Lands of the District.  
(Easement)

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5. Consideration of a request by **Collier County Board of Commissioners** (Application Number 09-1104-1, Permit Number 13630) for issuance of a Right of Way Occupancy Permit for the installation of 4-24" outfall pipes and a boat ramp and Waiver of the District's criteria for the proposed removal and replacement of the existing White Boulevard Bridge crossing the Golden Gate Main Canal. Location: Collier County, Section 13, Township 49 South, Range 26 East.

The applicant's request for waiver of the District's criteria which governs the minimum vertical clearance of pile-supported facilities within Works or Lands of the District is based on "substantial hardship." The applicant has informed the District that to meet the District's current criteria would raise the bridge deck to an elevation of approximately 10' above the existing road grade, resulting in over a 1000' of approach slope, the need to obtain additional right of way, and excessive fill for the approaches, adding considerable cost to the project. The current design will not meet District's criteria because the bridge will have a vertical clearance of a minimum of 2' above the design high water elevation rather than a minimum of 4' above the design high water elevation. The applicant asserts that meeting the District's criteria would also create a safety issue of site distance for adjacent driveway connections due to the substantial change in vertical elevation. For visual reference, the current requirement would result in the bridge deck being the same elevation as the adjacent home's roof line.

The District's Operations Resource Management Department (Big Cypress Basin) has stated that the proposed replacement of the White Boulevard Bridge will not interfere with the District's ability to perform necessary construction, alteration, operation and routine maintenance activities so the purpose of the underlying statute will be achieved.

## RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to Section 120.542(6), F.S., notice of the petition was provided to the Department of State and published in *Volume 36, Number 16* of the Florida Administrative Weekly on *April 23, 2010*. No public comments were received.

Therefore, staff recommends **approval** of the issuance of Right of Way Occupancy Permit Number 13630 and **approval** of the Petition for waiver of the District's criteria which governs the minimum vertical clearance of pile-supported facilities within Works or Lands of the District.  
(Easement)

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6. Consideration of a request by **Collier County Board of Commissioners** (Application Number 10-0104-1, Permit Number 13631) for issuance of a Right of Way Occupancy Permit for the installation of 4-24" outfall pipes and a boat ramp and Waiver of the District's criteria for the proposed construction of a pile-supported vehicular bridge at crossing the Golden Gate Main Canal at 23<sup>rd</sup> Street Southwest. Location: Collier County, Section 7, Township 49 South, Range 27 East.

The applicant's request for waiver of the District's criteria which governs the minimum vertical clearance of pile-supported facilities within Works or Lands of the District is based on "substantial hardship." The applicant has informed the District that to meet the District's current criteria would raise the bridge deck to an elevation of approximately 10' above the existing road grade, resulting in over a 1000' of approach slope, the need to obtain additional right of way, and excessive fill for the approaches, adding considerable cost to the project. The current design will not meet District's criteria because the bridge will have a vertical clearance of a minimum of 2' above the design high water elevation rather than a minimum of 4' above the design high water elevation. The applicant asserts that meeting the District's criteria would also create a safety issue of site distance for adjacent driveway connections due to the substantial change in vertical elevation. For visual reference, the current requirement would result in the bridge deck being the same elevation as the adjacent home's roof line. The District's Operations Resource Management Department (Big Cypress Basin) has stated that the proposed construction of the 23<sup>rd</sup> Street Southwest Bridge will not interfere with the District's ability to perform necessary construction, alteration, operation and routine maintenance activities so the purpose of the underlying statute will be achieved.

The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to Section 120.542(6), F.S., notice of the petition was provided to the Department of State and published in *Volume 36, Number 16* of the Florida Administrative Weekly on *April 23, 2010*. No public comments were received.

Therefore, staff recommends **approval** of the issuance of Right of Way Occupancy Permit Number 13631 and **approval** of the Petition for waiver of the

## RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

District's criteria which governs the minimum vertical clearance of pile-supported facilities within Works or Lands of the District.  
(Easement)

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7. Consideration of a request by **Lykes Brothers, Inc.** (Application No. 10-0323-1, Permit Number 13367) for issuance of a Right of Way Occupancy Permit and Waiver of the District's criteria to allow 4 existing reservoir levee connections to remain and 4 proposed reservoir levee connections to be constructed connecting to the applicant's and the District's C-41A spoil areas located within the C41A rights of way. The existing and proposed connections are part of the Applicant's surface water management system as authorized by District Environmental Resource Permit Number 28-00146-S from 1982 and 1993. Location: Highlands County, Sections 17, 18, 22 and 23, Township 37 South, Range 32 East.

The Applicant's request for waiver of the District's criteria which governs the use of District Works and Lands for impoundment purposes is based on "substantial hardship". History on this project is:

- During construction of the C-41A Project there was a greater volume of spoil excavated than expected. The excess spoil was placed outside of the existing C-41A right of way on adjacent property owned by the Applicant, requiring an agreement to be executed in 1962 between the Applicant and the District. The agreement allowed for use of the Applicant's property for stockpiling of the District's spoil material and described ownership of the resulting spoil. The agreement expanded in to an easement later in 1962 to allow the District to construct a fence line at the edge of the agreement area.
- In 1982, the Applicant received a Surface Water Management Permit from the District authorizing the conceptual approval for the construction of a storm water management system for the Ft. Basinger Grove. The design included the construction of a series of reservoirs, some of which were designed to connect to the Applicant's spoil adjacent to the C-41A in multiple locations. The use of the Applicant's excess spoil as part of the reservoirs was determined to meet the reservoir design criteria. The reservoirs included both upland areas and wetlands and were designed to provide water quality improvements and to preserve wildlife habitat.
- In 1993, the Applicant constructed 4 of the storm water management system reservoir connections for the grove that connected to the Applicant's excess spoil, as authorized by a Letter Modification to their Surface Water Management Permit.

The Applicant's current proposal is to now complete construction of the remaining 4 levee connections as authorized by the Surface Water Management Permit; however, the proposal is now contrary to the District's current right of way permitting rules and criteria, which as of 1990, prohibits utilization of the District's rights of way for impoundment areas, retention/detention facilities or borrow pits.

The Applicant asserts that no portion of the original C-41A right of way or design levee will be utilized or affected by the proposed connections. Further, that the

## RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

removal and relocation of the Applicant's spoil material in the reservoir connection areas and subsequent release of the easement to meet the District's current rules and criteria would cause an economic hardship for both the applicant and the District, as the District would also need to remove and relocate their excess spoil material, re-configure the C-41A levee and relocate the fence line along the affected reach at the same time as the Applicant. The District's Operations Resource Management staff has determined that as the levee connections have been/will be constructed on the easement portion of the District's C-41A right of way in the areas where the C-41A levee is larger than the design levee and connecting to the Applicant's owned spoil material that there is more than sufficient area for the and that the existing or proposed construction do not significantly interfere with the District's access and ability to perform necessary construction, alteration, operation and maintenance activities, so the purpose of the underlying statute will be achieved.

The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to section 120.542(6), F.S. notice of the petition was provided to the Department of State and was published in *Volume 36, Number 13* of the *Florida Administrative Weekly* on *April 2, 2010*. No public comments were received.

Therefore, staff recommends **approval** of the issuance of Right of Way Occupancy Permit No. 13367 and **approval** of the petition for Waiver of the District's criteria which governs the utilization of the District's Works or Lands for impoundment purposes.  
(Fee and Easement)

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## EMERGENCY AUTHORIZATIONS WITH RIGHT OF WAY OCCUPANCY PERMIT

Enter a Final Order concurring with the Executive Director's emergency authorization issued to **James D. and Kristie T. Pszanka** for immediate repair and/or replacement of a failing seawall on Works or Lands of the District known as the C-14 Canal, Broward County, FL, subject to Chapter 40E-6., F.A.C. (Order No. 2010-112-DAO).

The Right of Way Occupancy Permit authorizing this use of the Works or Lands of the District is contained in the Right of Way Occupancy New Permits section as well.