

LULAC State of Florida --- South Florida District

SFD. 01

In the

LULAC South Florida District, U.S.,

Annual District Meeting

MAY, 2005

LULAC RESOLUTION

**Failure Of The U.S. Army Corps Of Engineers
To Complete The Modified Water Delivery Project
As Authorized By Congress
And In Accordance With Constitutional Law**

WHEREAS, the League of United Latin American Citizens (LULAC) supports the U. S. Army Corps of Engineers' effort to restore a more natural hydrology to Everglades National Park via the Modified Water Delivery Project as authorized by Congress in 1989 in the Everglades National Park Protection Act;

WHEREAS, LULAC always fights against discrimination and racial injustice involving minority Americans and especially Hispanic Americans and the residents of the community known as the 8.5 Square Mile Area are largely Latino minority members, many of who fled totalitarian communism wherein property rights were destroyed and came to the United States in hope of finding protection from such abuse;

WHEREAS, in an effort to unnecessarily increase funding to their agency, members of the Corps of Engineers choose to disregard clear and unambiguous Congressional language in 1989 Act that "authorized and directed" the Corps of Engineers to "construct a flood protection system" to protect the 8.5 Square Mile Area community from the increased flow of water that would result from the completion of the Modified Water Delivery Project;

WHEREAS, the Corps of Engineers refused to protect the 8.5 Square Mile Area, but instead embarked on a plan, called 'Alternative 6D' that will unnecessarily condemn, acquire and destroy one third of the 8.5 Square Mile Area and, as a result of the Corps of Engineers illegal actions, residents of the 8.5 Square Mile area sued the Corps in federal court, charging that the agency lacked the Congressional authority for its actions;

WHEREAS, the federal judge ruled in favor of the residents of the 8.5 Square Mile Area, clearly stating that the agency did not have the authority to condemn and acquire land inside the community. As a result, the Corps of Engineers went against the stated wishes of its own Congressional committee and placed language in a Department of Interior Appropriations bill that gave them the authority to condemn and acquire one third of the 8.5 Square Mile Area;

WHEREAS, the Corps of Engineers has so far exceeded its budget that funding for the Modified Water Delivery Project has been stopped and is under federal review. In an effort to reduce the bloated costs of the agency's unnecessary actions the Corps of Engineers is refusing to pay fair market value for property in the project area, going so far as to threaten and intimidate property owners in an attempt to frighten them into selling at below market value;

WHEREAS, the Corps of Engineers has been unable to adequately respond to a Data Quality Act Challenge and Request For Correction that has been filed with the agency challenging the so-called 'science' used by the agency in an attempt to provide justification for their unnecessary choice of Alternative 6D;

WHEREAS, the Corps of Engineers has been able to delay for 8 years the completion of this critical environmental project, thus causing irreversible environmental damage to the remaining Everglades;

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. LULAC strongly condemns any attempt by the Corps of Engineers to condemn and acquire any property within the 8.5 Square Mile Area for less than its fair market value.

2. LULAC warns that attempts to threaten and intimidate property owners and refusing to pay fair market value for the land of property owners in the 8.5 Square Mile Area is a violation of the Fifth Amendment as well as a gross violation of Latino minority human rights and constitutes indefensible racial discrimination by the government and officials perpetuating such an illegal taking.

3. LULAC cautions that by refusing to complete the Modified Water Delivery Project in a manner consistent with the clearly stated Congressional intent mandated by Congress and by refusing to base their decisions on sound science the Corps of Engineers is allowing the continued destruction of the Everglades ecosystem as well as committing a gross violation of the Constitutional Rights of a helpless community of minority Latino farmers.

4. LULAC demands that the Corps of Engineers must follow federal law in regards to paying fair market value for property acquired in the 8.5 Square Mile Area community.

5. LULAC further demands that the Corps of Engineers cease and desist any efforts to threaten or intimidate property owners into selling their property for less than fair market value.

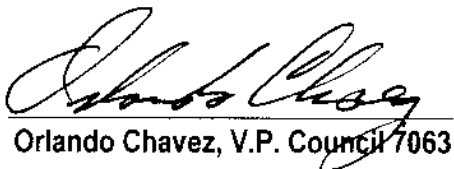
6. FINALLY, LULAC demands that, if the Corps of Engineers lacks sufficient funding to pay fair market value for land within the 8.5 Square Mile Area community, that the agency immediately complete Alternative 6D of the Modified Water Delivery Project on the land it has already acquired.

Voted and passed unanimously in Miami, Miami-Dade County, Florida.

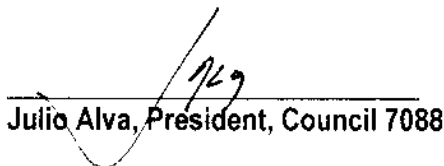
May 16, 2005.



Armando V. Pomar , South Florida District Director.



Orlando Chavez, V.P. Council 7063



Julio Alva, President, Council 7088