

Midwest Environmental Advocates: Appeals court rejects Meteor Timber request to reinstate permit for destruction of wetlands

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Madison, WI—Today, the Wisconsin Court of Appeals ruled in favor of the Ho-Chunk Nation in a decision that continues to prevent out-of-state frac sand company Meteor Timber from destroying 16 acres of globally rare wetlands in Monroe County. Midwest Environmental Advocates represents the Ho-Chunk Nation in the case. The appeals court affirmed a lower court decision which found that the Department of Natural Resources (DNR) violated state wetland laws when it issued a wetland fill permit to Meteor Timber in 2017. The company had sought the permit in order to build an industrial sand processing facility and rail project in Monroe County and on ancestral Ho-Chunk homelands. Today's victory comes after more than four years of legal proceedings. Midwest Environmental Advocates joined Clean Wisconsin in filing an initial challenge to the permit in 2017. The permit was invalidated by an administrative law judge when evidence revealed the permit had been granted by DNR managers over the objections of scientific experts within the agency. DNR experts testified that the project would have destroyed irreplaceable white pine-red maple wetlands that serve as habitat for threatened and endangered species and provide critical ecosystem services like flood prevention. MEA and Clean Wisconsin successfully defended the initial legal victory when Meteor Timber tried to persuade the DNR Secretary to reverse the decision to invalidate the permit. Then, Meteor Timber sought judicial review to reinstate the permit, and MEA and Clean Wisconsin were successful, once again, in defending the decision. The Court of Appeals decision represents the third time the decision of the administrative law judge has been affirmed. Rep. Conroy Greendeer, Jr. (D2) stated, "We understand the need for extracting resources like the fuel we need to drive to work but we also know that

the costs to our community and to this land outweigh any of the benefits. This decision validates our commitment to protecting these lands, our natural resources, and our community.” MEA Staff Attorney Rob Lee said, “Today’s ruling is a victory for the Ho-Chunk Nation, for Wisconsin, and for all those who value our natural resources and the public’s role in protecting them. The decision is also a reminder that even the state’s largest industries and most powerful companies are accountable to our environmental laws.” The Ho-Chunk Nation is a federally recognized tribe. The Nation has several hundred enrolled members within the area affected by frac sand mining. The Nation’s government is dedicated to protecting their people and their lands for this and future generations. The expansive and permanent destruction of the landscape, including wetlands, for industrial sand mines threatens the Nation’s people, land, and cultural heritage. Midwest Environmental Advocates is a nonprofit law center that combines the power of law with the resolve of communities facing environmental injustice to secure and protect the rights of all people to healthy water, land, and air. Learn more at www.midwestadvocates.org or on Facebook at www.facebook.com/midwestadvocates