



DNR to Review Ho-Chunk Nation's Challenge to Fill of Rare Wetlands Judge Invalidates Permit; Meteor Timber Makes Political Appeal to DNR

FOR IMMEDIATE RELEASE: May 24, 2018

CONTACT: Tressie Kamp, Staff Attorney, (608)251-5047 x 8 or (608) 712-8777,
tkamp@midwestadvocates.org
Lynette LeGarde, Ho-Chunk Nation Chief Communications Officer, (715) 284-9343,
Lynette.LeGarde@ho-chunk.com

Madison, WI – In early May, a Judge for the state Division of Hearings and Appeals invalidated the wetland fill permit issued by the Wisconsin Department of Natural Resources to Meteor Timber, ruling in favor of the Ho-Chunk Nation. The company sought a wetlands fill permit for its proposal to build an industrial sand processing facility and rail project in the Town of Grant, Monroe County. The Ho-Chunk Nation, represented by Midwest Environmental Advocates, intervened in the contested case hearing requested by Clean Wisconsin.

Ho-Chunk Nation's hard-fought victory is at risk after the DNR determined on May 24th to grant Meteor Timber's petition for the DNR Secretary to review the Judge's decision. Carolyn Garnett, Legislative Attorney for the Ho-Chunk Nation, stated that: "we urged the DNR to reject Meteor's petition because it skirts the impartial judicial process and risks overturning a well-reasoned administrative decision. This action clearly undercuts Meteor's claim that this project has broad local support." The DNR will require Meteor to keep its project on hold as the DNR reviews the record for this matter.

Clean Wisconsin and Midwest Environmental Advocates, on behalf of the Ho-Chunk Nation, believe that the ALJ's ruling was correct and will continue fighting to protect these rare and valuable wetlands, regardless of the venue. These groups believe that DNR should have exercised its more traditional level of respect toward the administrative review process. The integrity of independent judicial review is at risk when DNR becomes the judge of its own actions.

Garnett described the Judge's invalidation of the Meteor permit as upholding one of the tenets of the Nation's government: to protect its people and its lands for this and future generations. Garnett stated that: "invalidation of the Meteor permit would have benefits that extend far beyond those Ho-Chunk Nation members who live near the proposed Meteor site. The expansive and permanent destruction of the rare wetlands on the landscape would broadly impact the Nation's people, land, and cultural heritage."

The permit would allow Meteor Timber to fill 16.25 acres of wetlands, including over 13 acres of globally rare forested wetlands. Ho-Chunk Nation, MEA and Clean Wisconsin successfully argued that the DNR should have denied the permit based upon inadequate guarantees against significant, adverse impacts to the environment. The project would destroy irreplaceable wetlands that provide critical functions, like flood prevention, to the county and serve as habitat for threatened and endangered species.

Three witnesses, including a now-retired wetland expert who worked at DNR for over 30 years, testified on behalf of Clean Wisconsin and the Ho-Chunk Nation about the unprecedented impact of the proposal. Expert

testimony was a primary basis for the Judge's invalidation of the Meteor wetlands fill permit. Yet DNR may now review the propriety of the weight that the Judge placed upon testimony from retired DNR experts.

Still uncertain is the status of legislation that would allow Meteor to avoid the requirement for a permit and undercut Ho-Chunk Nation's successful permit challenge.

More information on developments around the Meteor Timber proposal visit the [Midwest Environmental Advocates](#) website.

The Ho-Chunk Nation is one of the strongest indigenous Nations in the United States. The Nation's land extends throughout the Midwest, including significant tribal and trust lands in Wisconsin. There are many Ho-Chunk members throughout the state, and their history and culture is tied to Wisconsin. Ho-Chunk members and lands are dispersed throughout the area of Wisconsin most heavily impacted by industrial 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 public interest organization that uses the power of the law to support communities fighting for environmental accountability. Learn more about the Midwest Environmental Advocates on the web at midwestadvocates.org, like MEA on [Facebook](#) or follow @MidwestAdvocate on [Twitter](#).

###