

Subsequent Wilderness Legislation Governing Water Quality in Wilderness

Individual wilderness statutes (those subsequent to the Wilderness Act of 1964) may provide unique management requirements related to water quality as special provisions in their statutes. The following provide examples where Congress has provided additional requirements regarding water quality.

Public Law 95-237, Sec. 4(c)(1) “The Secretary shall cooperate with agencies and institutions of the State of Idaho, and with the Secretary of the Interior, in conducting a comprehensive fish and game research program within the Gospel-Hump Area and surrounding Federal lands in north-central Idaho. The Secretary shall assure that this research program includes detailed investigations concerning resident and anadromous fisheries resources (including **water quality** relationships) and the status, distribution, movements, and management of game populations, in order to provide findings and recommendations concerning integration of land management and development with the protection and enhancement of these fish and game resources.”

Public Law 95-495 cited a purpose for the statute in Sec. 2(2) to “maintain high **water quality** in such areas,” and to further the proposes, established a protective buffer around the wilderness “In order to protect existing natural values and high standards of environmental quality from the adverse impacts associated with mineral development, there is hereby established the Boundary Waters Canoe Area Mining Protection Area” And withdrew it from the mineral laws.

Public Law 98-428, Sec. 306(b)(8) “consistent with State and Federal law no activities shall be allowed within the area which could significantly impair **water quality** or quantity in the Box-Death Hollow Wilderness and adjacent wilderness or wilderness study areas.”

Public Law 101-628, Sec. 302 “Nothing in titles I, II, or III of this Act shall amend, construe, supersede, or preempt any State law, Federal law, interstate compact, or international treaty pertaining to the Colorado River (including its tributaries) in the Upper Basin, including, but not limited to, the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or **quality of those waters.**”

Public Law 103-433, Sec. 203 “Nothing in this Act shall amend, construe, supersede, or preempt any State law, Federal law, interstate compact, or international treaty pertaining to the Colorado River (including its tributaries) in the Upper Basin, including, but not limited to the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or **quality of those rivers.**”

In addition, the Legislative History of some subsequent wilderness statutes may, for the wilderness areas designated, include some indication of intent on the part of Congress to protect water quality, and the methods that may be employed in doing so.

Public Law 100-184 legislative history states “... *such camping facilities and pit toilets are appropriate in wilderness areas where necessary to protect **water quality** and/or minimize the impacts of visitor use in the wilderness environment*”.

Public Law 96-312 legislative history states “*The past mining activity in this region has created a number of serious problems, not only with indigenous wildlife, but also with **water quality**. The Secretary should take steps to require appropriate reclamation and clean-up of these problems as an element of permitting new mining development to go forward.*” For these reasons, statute requires that any mining of cobalt within the Clear Creek area be carried out underground with access from outside the wilderness boundary. Surface disturbance within the wilderness was limited to air shafts or for mine safety.