interpretations in its letter to EPA dated November 21, 1980.

As fish and wildlife resources in the Bay/Delta continued to decline, EPA on several occasions expressed its continuing concern to the State Board about the need to develop standards that would adequately protect these resources. Throughout the first and second triennial reviews ending in 1981 and 1985, EPA urged the State Board to review and revise the 1978 Delta Plan in accordance with EPA's 1980 approval letter. After its second triennial review, in a letter to EPA dated June 23, 1986, the State Board acknowledged that the 1978 Delta Plan standards were not adequate to protect the estuary's fishery resources. It then outlined the hearing process it was planning for revising the standards. In response, and as part of its consideration of the State Board's second triennial review, EPA, on June 29, 1987, sent a letter to the State Board stating that EPA could no longer approve the striped bass survival standards (or the related provision allowing relaxation of the spawning standard in drier years) because these standards did not adequately protect the designated fish and wildlife uses. EPA recognized, however, that the State Board had initiated new hearings to revise the 1978 Delta Plan standards. EPA therefore indicated that it would await the results of the new hearings and approve or disapprove the revised standards after the State Board's submission to EPA of a complete set of revised standards. Following the first phase of the new hearings, the State Board in November 1988 issued a draft Plan that included revised salinity and flow standards to protect the fisheries and other designated uses (SWRCB 1988). The State Board subsequently withdrew that draft Plan, however, and issued a revised workplan that served as the basis for the State Board's present Water Quality Control Plan for Salinity for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (1991 Bay/ Delta Plan).

The 1991 Bay/Delta Plan, which the State Board submitted to EPA for review on May 29, 1991, amended certain salinity criteria and adopted new temperature and dissolved oxygen criteria for specified locations in the estuary. The 1991 Bay/Delta Plan did not, however, revise the earlier 1978 Delta Plan to address EPA's longstanding concerns about adequate protection for the designated fish and wildlife uses of the Bay/Delta.

On September 3, 1991, EPA approved in part and disapproved in part the provisions of the 1991 Bay/Delta Plan. EPA's letter found that "[t]he record

 * * does not support the conclusion that the State has adopted criteria sufficient to protect the designated uses" of the estuary. The designated uses at risk, as defined by the State Board, include Estuarine Habitat, and also Cold and Warm Water Habitat, Fish Migration, Fish Spawning, Ocean Commercial and Sport Fishing, Preservation of Rare and Endangered Species, Shellfish Harvesting, and Wildlife Habitat. In addition to its general finding that the 1991 Bay/Delta Plan did not contain sufficient criteria to protect the designated uses, EPA also disapproved the absence of salinity standards to protect the Estuarine Habitat and other fish and wildlife uses in the Suisun, San Pablo, and San Francisco Bays and Suisun Marsh, the absence of scientifically supportable salinity standards (measured by electrical conductivity) to protect the Fish Spawning uses of the lower San Joaquin River, and the absence of scientifically supportable temperature standards on the San Joaquin and Sacramento Rivers to support the Fish Migration and Cold Fresh Water Habitat uses, including the fall-run and winterrun chinook salmon.

In the summer of 1992, the State Board held hearings for the purpose of establishing interim measures to protect the natural resources in the Bay/Delta estuary. EPA participated in these hearings—rather than proposing federal standards at that time—in the hope that the hearings would result in state adoption of approvable standards and preclude the need for a federal rulemaking. EPA submitted its own recommendations to the State Board and ioined with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) in submitting an Interagency Statement of Principles. These statements specifically recommended that the State Board adopt a habitat and ecosystem-based approach to standards that would satisfy CWA requirements and meet the State Board's goal of reversing the decline of the estuary's fish and wildlife resources.

At the conclusion of these hearings, the State Board, on December 10, 1992, issued its recommended interim measures in Draft Water Rights Decision D–1630 (hereinafter D–1630). After the close of the comment period for D–1630, however, the State Board declined to adopt D–1630. Accordingly, the State criteria EPA disapproved on September 3, 1991, are still in effect. In response to the State Board's failure to revise these criteria, EPA, pursuant to section 303 (c)(3) and (c)(4) of the Act, published a Proposed Rule that would establish Federal water quality criteria for the

Bay/Delta which would in effect supersede and supplement the disapproved State criteria for purposes of the CWA. EPA's Proposed Rule also satisfied its obligations under a partial settlement agreement approved and entered as an order in *Golden Gate Audubon Society et al.* v. *Browner*, (E.D. Ca. Civ. No. 93–646 (LKK)).

EPA's Proposed Rule was one component of a coordinated initiative by the several Federal agencies having regulatory or operational responsibilities in the Bay/Delta. In early 1993, these four agencies—EPA, USFWS, NMFS, and USBR—formed the Federal Environmental Directorate (now known almost exclusively as "Club FED") for the purpose of assuring that the Federal agencies worked in a coordinated manner in taking actions under their respective statutory authorities that would affect the estuary. The Federal initiative announced in December 1993 included the EPA Proposed Rule, the USFWS proposal to list the Sacramento splittail as a threatened species under the ESA, the USFWS proposal for critical habitat for the threatened Delta smelt, and the NMFS reclassification of the winter-run chinook salmon as endangered. This initiative also coincided with the USBR's preliminary water allocation forecast for CVP deliveries for the 1994 water year.

d. Post-Proposal Activities

Since the publication of the Proposed Rule, EPA has moved towards final promulgation of protective criteria in an expeditious and open manner. EPA held several public hearings throughout the state in late February, 1994, to hear comments on the Proposed Rule. In addition, EPA met with a number of interested parties to discuss the economic analysis prepared in conjunction with the Proposed Rule. The purpose of these meetings was to solicit recommendations as to how to improve the analysis of potential economic impacts resulting from the State's implementation of the Federal criteria.

EPA also participated in a series of scientific workshops arranged and facilitated by California Urban Water Agencies (CUWA), the Bay Institute, the Natural Heritage Institute, Save San Francisco Bay Association, and the Environmental Defense Fund. These workshops were designed to discuss the extensive scientific comments submitted by CUWA on the criteria proposed in the Proposed Rule. Dr. Wim Kimmerer, the reporter for these workshops, prepared written summaries of the discussions on the Estuarine