



**CALFED  
BAY-DELTA  
PROGRAM**

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March 11, 1998

Mr. Chris Kelly  
The Nature Conservancy  
California Regional Office  
201 Mission Street, 4th Floor  
San Francisco, CA 94105

Dear Mr. Kelly:

We have received your February 20, 1998 letter regarding Category III projects. We are reviewing your request regarding expenditures incurred prior to an executed agreement with the CALFED Program. While we are reviewing your request, you should not rely on any reimbursement from the Program contrary to the terms of the Request for Proposals (RFP) issued prior to the July 3, 1997 public pre-submittal workshop. In particular, please note the language at the beginning of page 13 regarding the evaluation/selection process and schedule for formal proposals:

“Applicants should not commence work on their projects until a funding agreement is in place. Work done prior to a funding agreement is done at risk of recipient without expectation of reimbursement. Funding agreements are not final until approved by CALFED Bay-Delta Program.”

In addition, despite the implication in your letter, no oral representations contrary to the criteria in the RFP have been made by my staff or anyone else with authority over the Category III Program. If you have additional questions regarding the language in the RFP, please contact Kate Hansel at (916) 653-1103.

Sincerely,

Lester A. Snow  
Executive Director

**CALFED Agencies**

**California**  
The Resources Agency  
Department of Fish and Game  
Department of Water Resources  
California Environmental Protection Agency  
State Water Resources Control Board

**Federal**  
Environmental Protection Agency  
Department of the Interior  
Fish and Wildlife Service  
Bureau of Reclamation  
U.S. Army Corps of Engineers

Department of Agriculture  
Natural Resources Conservation Service  
Department of Commerce  
National Marine Fisheries Service