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July 18, 2023

Ken Strelo, Planning Manager
Planning Division
City of Oakley
3231 Main Street
Oakley, California 94561

Subject: – Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23) – APNs 020-140-048, 020-150-003, 032-050-003, 032-082-001, 032-082-005, 032-082-010, 032-082-011, and 032-082-013

Dear Ken Strelo:

The following are comments from the Contra Costa Water District (District) on the proposed amendment to extend the Grand Cypress Preserve Development Agreement (would apply to five separate development agreements) from December 13, 2025 to December 13, 2035. The project applicant is ACD-TI Oakley, LLC (ACD). The District's Contra Costa Canal Replacement Project along the unlined portion of the Canal (Segment 5B) is currently under construction and is located adjacent to the Grand Cypress Preserve development area.

The District has reviewed the proposed amendment and has the following comments:

1. The District and ACD entered into the Grand Cypress Preserve Canal Improvement Agreement on November 18, 2022, which requires ACD, and ACD's successors in interest to the property, to pay the District per-unit Canal Fees, by way of recorded abstracts with Contra Costa County on and against title to each individual property associated with the Grand Cypress Preserve Development Project. The District expects this requirement to be honored upon completion of the development project.
2. The District's Contra Costa Canal Replacement Project (Segment 5B) is set for completion in late 2023. Currently, the former unlined Canal adjacent to the Grand Cypress Preserve has been dewatered and the District's adjacent berm (which served an incidental secondary benefit of flood protection) is being utilized as backfill for the project. It was the District's understanding that ACD would construct a new, FEMA-approved levee adjacent to the Canal on ACD property. It should be noted that this proposed extension postpones ACD's requirement to build a new levee and that flood protection in this location will be absent until a new levee is constructed.
3. As part of ACD's Grand Cypress Preserve Development Project's Central Valley Project (CVP) inclusion review process, ACD entered into a Memorandum of Agreement (MOA) for the National Historic

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Preservation Act (NHPA) Section 106 compliance with the Bureau of Reclamation (Bureau) as the lead federal agency dated June 22, 2018. The District requires ACD and/or successors to reimburse the District for any future costs associated with fulfilling Bureau requirements and environmental conditions within the MOA, or MOA extensions, as they relate to sensitive archaeological resources.

4. A Coordination Agreement was executed between the District and ACD on December 2, 2022, which granted the District access to certain license areas on ACD's property to support the District's Segment 5B project that is currently in construction. The District expects this agreement to remain in effect through March 1, 2024, plus any necessary time extensions as may be required and mutually agreed to by both parties. A further extension of certain aspects of this agreement (i.e., access to Sandmound Slough for the dewatering system) may be necessary and beneficial to support the Segment 5A canal replacement located under the planned expansion of East Cypress Road.

For any questions or clarifications on the District's comments, please contact me at cericksen@ccwater.com or at 925-688-8223.

Sincerely,



Cody Ericksen
Associate Planner

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