Exhibit 9

From: Ward, Ron (PWA) [rgward@oaklandnet.com]
Sent: Thursday, December 29, 2005 2:32 PM
To: Nadel, Nancy; Osalbo, Faustino Jun
Cc: Brooks, Desley; Uzegbu, Marcel; Estes, Lesley; Schwarz, Alison; 'klichten@waterboards.ca.gov'; 'friendsof2creeks@yahoogroups.com'; 'nannystu@pacbell.net'; Neary, Mike; Office of the Mayor; Julie Gantenbein; 'chiye@cazuma.com'; Lau, David W; 'jean@jeanquan4council.org'; 'cityochang@aol.com'; 'Barbara Sutherland '; Richard Roos-Collins; Mirsaeidi, Emad; 'nancy peterson'; Movassaghi, Maziar; Cappio, Claudia; 'McGill, Phillip'; 'Mark Brest van Kempen'; 'dchapman@desilvagroup.com'; 'phelseth@desilvagates.com'; 'Kent Peyton'
Subject: RE: Chimes Creek turbidity and pumping

Nancy:

Prior to the first significant rainfall this season, the developer installed even more of the erosion prevention measures than were successfully used last year, including more than 33 acres of erosion control fabric, more extensive use of straw waddles and miles of concrete ditches, with paved streets and a functioning storm drain system. In fact, the Regional Water Quality Control Board described the Leona Quarry site as "well planned and well-installed ... erosion and sediment control" in early December, 2005.
Things could be much worse.

The detention pond is sized for a fully developed and vegetated site.
Extensive hydrologic modeling has been used to determine the necessary storage volume of the pond to prevent flooding. An as-built field survey has been completed that confirms the pond was built according to plan.

During this first rainy season after completion of the site grading, one of the Best Management Practices implemented by the developer is to block the orifice at the bottom of the detention pond. This allows the developer additional retention time to settle the stormwater and to filter and discharge it. In the fully developed and vegetated state, stormwater will be allowed to drain continuously out of the pond, through an orifice in the bottom of the pond. Again hydrologic modeling was performed to analyze the effect of beginning a storm with the orifice at the bottom of the pond blocked and stored water to the level of the discharge structure opening.
The modeling indicates that the pond will function very similarly with respect to peak flow controls in this scenario versus the permanent configuration, i.e., containment of a 100-year design storm.

I hope this answers your questions,

Ronald Ward, P.E.
Supervising Civil Engineer
PWA Project Delivery Division
(510) 238-6606
(510) 238-6633 (FAX)

rgward@oaklandnet.com

-----Original Message-----
From: Nadel, Nancy
Sent: Thursday, December 29, 2005 12:21 PM
To: Ward, Ron (PWA); Osalbo, Faustino Jun
Cc: Brooks, Desley; Uzegbu, Marcel; Estes, Lesley; Schwarz, Alison; 'klichten@waterboards.ca.gov'; 'friendsof2creeks@yahoogroups.com'; 'nannystu@pacbell.net'; Neary, Mike; Office of the Mayor; 'gantenbein@n-h-i.org'; 'chiye@cazuma.com'; Lau, David W; 'jean@jeanquan4council.org'; 'cityochang@aol.com'; 'Barbara Sutherland '; 'rrcollins@n-h-i.org'; Mirsaeidi, Emad; 'nancy peterson'; Movassaghi, Maziar; Cappio, Claudia; 'McGill, Phillip'; 'Mark Brest van Kempen'; 'dchapman@desilvagroup.com'; 'phelseth@desilvagates.com'; 'Kent Peyton'
Subject: RE: Chimes Creek turbidity and pumping

Dear Ron,

I can't help but remember it took a lawsuit to make the developer increase the size of the detention pond and it appears to still not be big enough. The beginning of your email is like deja vue. The same thing happened last year. Why didn't the developer know to protect the slopes and hydroseed again as they did last year?

Nancy Nadel