



FILED
DISTRICT COURT OF GUAM

JUL 14 2009

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**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
vs.)
)
GOVERNMENT OF GUAM,)
)
Defendant.)

CIVIL CASE NO. 02-00022

**DPW REPORT ON PROGRESS OF
ROAD AND BRIDGE PROJECTS
(JULY 2009)**

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 7/14/09
Time 2:35 PM
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2009 JUL 15 AM 9:22 AM

The Department of Public Works ("DPW") hereby submits the attached slides reporting on the progress of the road and bridge projects affecting the Consent Decree. A formal PowerPoint presentation of the slides will be made before the Court at the quarterly status hearing to be held on July 15, 2009. At the hearing, DPW representatives will be present and prepared to discuss the slides and to answer any questions.

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1 DPW advises the Court that with particular respect to the construction and expansion
2 of the Ylig Bridge, unforeseen and unavoidable circumstances have arisen that will cause the
3 project to be delayed by an estimated six to eight months. Specifically, a colony of *Partula*
4 *radiolata*, the rare Guam Tree Snail, has been found living within the project right-of-way.¹
5 Since 1995, *Partula radiolata* has locally listed as an endangered species. It has been a
6 candidate for federal listing since 1994.²

7 The Department of Agriculture has advised that the preferred action for mitigating the
8 loss of the colony's habitat due to the bridge construction is relocation of the snails to a
9 suitable receiver site.³ The discovery of the endangered snail colony delays the project
10 because it is impossible to complete the bridge design phase and to commence construction
11 until the colony has been relocated.

12 An additional dilatory impact is that the required archaeological research cannot be
13 conducted prior to construction, as is the usual procedure. According to the Department of
14 Parks, Recreation & Historic Preservation, "*the original plan that was going to conduct test*
15 *excavations ahead of the construction will not be feasible since the testing may affect the*
16 *endangered snails.*"⁴ Thus, instead of pre-construction test excavations, archaeologists will
17 have to conduct "monitoring in conjunction with excavations."⁵ Monitoring *during* -- instead
18 of *before* -- construction, will lengthen the time normally needed complete the project.

20 ¹ See, DECLARATION OF J. PATRICK MASON IN SUPPORT OF DPW REPORT ON PROGRESS OF ROAD AND
21 BRIDGE PROJECTS (JULY 2009) at ¶¶ 3-4, Exhibits 1 and 2 (D. Ct. Guam July 14, 2009).

22 ² DECLARATION OF J. PATRICK MASON at ¶ 4, Exhibit 2.

23 ³ Id.

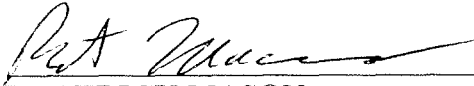
24 ⁴ DECLARATION OF J. PATRICK MASON at ¶ 5, Exhibit 3.

25 ⁵ Id.; see also, DECLARATION OF J. PATRICK MASON at ¶ 6, Exhibit 4 (Re: IRAII monitoring).

1 The delays caused by the discovery of the endangered Guam Tree Snail at the Ylig
2 Bridge project site were unforeseen and unexpected. Assuming that the snails can be relocated
3 by local and/or federal biologists, DPW estimates that instead of September 2010, the new
4 completion date for project's Phase 1 construction (with one-lane of traffic open to haul
5 trucks) will instead be approximately February 2011. DPW is actively cooperating with local
6 and federal authorities on a daily basis in an effort to do all things necessary in order to
7 promptly complete the Ylig Bridge project, while at the same time ensuring that Guam's
8 native wildlife is protected.

9 Respectfully submitted this 14th day of July, 2009.

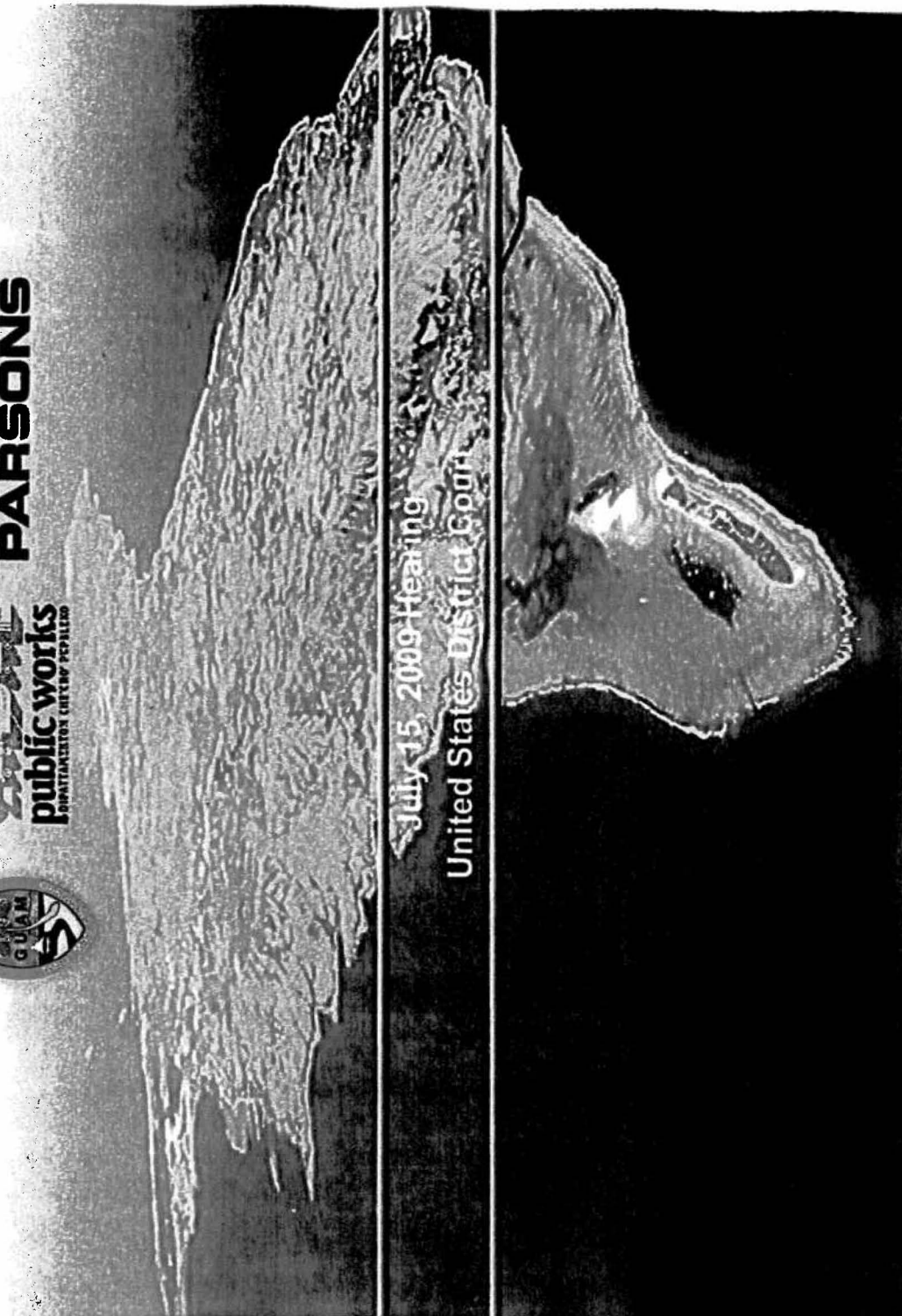
10 OFFICE OF THE ATTORNEY GENERAL OF GUAM
11 **Alicia G. Limtiaco, Attorney General**

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13 By: 
14 **J. PATRICK MASON**
15 Deputy Attorney General
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PARSONS

July 15, 2009 Hearing
United States District Court



Route 4: Project updates

• Island Wide Bridge Inspection Program

- Field data has been collected. Rating analysis being performed.

• Route 4 Widening (Ylig Bridge to Pago Bay) and Resurfacing (Ylig Bridge to Route 17)

- Project has been advertised and bid opening scheduled for July 16, 2009.

07-16-09



Route 4: Ylig Bridge Replacement update

- During environmental baseline survey, the Guam Tree Snail and wetlands were discovered. Both are in the path of the new alignment of the bridge.
- The Guam Tree Snail is on the Guam endangered species list and a candidate on the Federal endangered species list.
- Archaeological inventory survey was put on hold. A letter to GHPO requesting that Archaeological monitoring during construction take place instead of the inventory survey has been sent and approved.
- The wetlands have been delineated and agreed to by Department of Agriculture. A letter to the Planning Division at Department of Land Management requesting an exemption from the GLUC Wetland Permit process has been sent.
- Department of Agriculture and Barry Smith (UOG) were consulted and a mitigation plan for relocating the snail is being prepared.

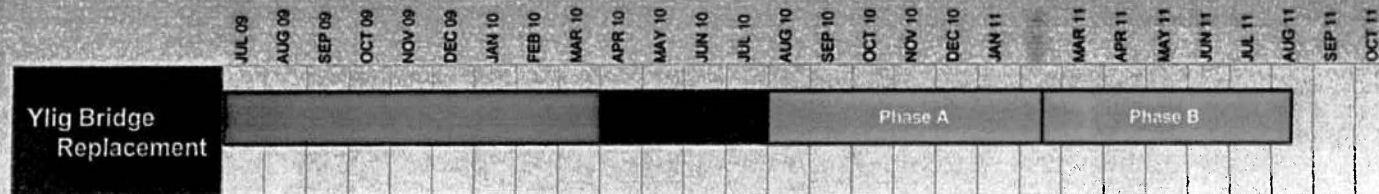


(N) Guam

Route 4: Ylig Bridge Replacement update

- Schedule Update**

Conceptual design was put on hold until environmental studies and snail relocation efforts was collected and a path forward determined.
- A site to temporarily hold the snails needs to be identified and agreed to.
- Design cannot be finalized and construction cannot start until the snails have been relocated
- This is a site with a high probability of archaeological findings and poses a potential delay during construction.



Phase A – One lane open to traffic
 Phase B – Entire bridge open to traffic

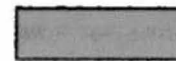
8/2/2011



DESIGN



PROCUREMENT



Construction



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