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Attorneys for the Government of Guam

**UNITED STATES DISTRICT COURT
TERRITORY OF GUAM**

UNITED STATES OF AMERICA)	CIVIL CASE NO. 02-00022
)	
Plaintiff,)	
)	
vs.)	
)	DEPARTMENT OF PUBLIC WORKS
GOVERNMENT OF GUAM,)	BI-WEEKLY
)	PROGRESS REPORT
Defendant.)	
)	

The Department of Public Works (DPW), by and through the Office of the Attorney General, files the attached bi-weekly report with attachment thereto, pursuant to the Consent Decree Order (*see* Docket No. 464), dated July 15, 2009.

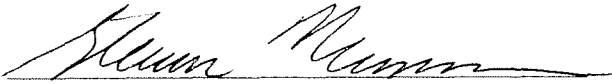
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1 The attached report outlines the progress on the mitigation of the endangered *Partula*
2 *Radiolata* known as the Pacific Tree Snail located in the Ylig River Bridge construction site.

3 Respectfully submitted this 3rd day of August, 2009.

4 OFFICE OF THE ATTORNEY GENERAL
5 **Alicia G. Limtiaco, Attorney General of Guam**

6 By: 

7 **STEVEN M. NEWMAN**
8 Assistant Attorney General
9 Attorneys for Defendant Government of Guam
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The Honorable
Felix P. Camacho
Governor

The Honorable
Michael W. Cruz, M.D.
Lieutenant Governor



public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
Lawrence P. Perez
Director
Andrew Leon Guerrero
Deputy Director

Bi-Weekly Snail Mitigation Report Ylig River Bridge Project

USA v. Government of Guam,
District Court of Guam Civil Case No. 02-0022

FHWA Project No. GU-NH004(104)

July 28, 2009

INTRODUCTION

Pursuant to the Order of the District Court of Guam, dated July 15, 2009, the Guam Department of Public Works Division of Highways (“DPW”) hereby submits the following bi-weekly report. The purpose of this report is to advise on the progress being made to address the mitigation of the endangered *Partula Radiolata* (Pacific Tree Snail) at the Ylig River Bridge construction site.

BACKGROUND

During the environmental baseline survey for the Ylig River Bridge replacement project, a colony of *Partula Radiolata* (Pacific Tree Snail) was discovered within the Route 4 right-of-way. The colony is located in the northeast quadrant of the project site and resides on the Pago trees located along the riverbed.

The Pacific Tree Snail is a rare gastropod species that is endemic to Guam. Since 1996, the Pacific Tree Snail has been locally listed as an endangered species. It is also a candidate for federal listing under the U.S. Endangered Species Act.

The Department of Agriculture (“DOA”) is the lead agency tasked with protecting endangered species in Guam. It has been determined by DOA that construction activities pursuant to the Ylig Bridge replacement project will adversely impact the Pacific Tree Snail colony. Due to the legal status of the snails as an endangered species, the snails must be protected before the project can move on, and DOA must approve a mitigation plan detailing the relocation of the colony to a suitable and safe location.

The local engineering firm of Duenas Camacho Associates Inc. (DCA) is a retained consultant to DPW. DCA will be developing the mitigation plan and final design for the Ylig Bridge replacement project. Parsons Transportation Group (PTG) and PB Americas (PBA), consultants to the DPW, will be providing oversight for the project.

STATUS UPDATE

1. Status of Snail Mitigation Plan.

On May 28, 2009, John Duenas, Thomas Camacho, and Ed Salanatin of DCA met with Celestino Aguon and Brent Tibbatts of the Department of Agriculture, Division of Aquatic and Wildlife Resources (DAWR) to discuss possible mitigation options. Local tree snail expert, Barry Smith, Director of the University of Guam Marine Laboratory, has also been consulted.

At this time, the most feasible option is to relocate the Pacific Tree Snails to the Masso Reservoir. However, the Masso site requires enhancement to adequately support the colony and thus will probably not be ready for at least six to nine months. In the interim, a temporary site needs to be identified and agreed upon by all parties involved (land owner, DAWR, and DPW).

Specific tasks that are currently in progress include:

- Finalizing contract details with Mr. Smith.
- Identifying a temporary site.
 - Mr. Smith has already visited the project site to assess the surrounding areas for possible temporary sites.

- Miguel Otero-Jimenez of PBA will prepare a “Notice to Owners” as well as “Right to Enter Agreements” in order to allow Mr. Smith private property access so that he can conduct a more detailed analysis of possible temporary sites that are identified.
- DCA will continue developing the mitigation plan, and will add specific site details as the site assessment is completed

2. Next Steps.

The following tasks are planned:

- Secure temporary relocation site property rights (temporary easement).
- Finalize the snail mitigation plan.
- Submit the mitigation plan to DAWR for approval.

3. Deadlines and Timelines.

Assuming the successful implementation of the snail mitigation plan, and barring any other unexpected contingencies, the anticipated date for completing the Phase 1 design of the Ylig River Bridge replacement project and for commencing construction continues to remain approximately February 2011 (allowing one lane of traffic for haul trucks. In the meantime, deadlines and timelines detailing the specifics of the snail mitigation plan continue to be developed as discussed above.

DEPARTMENT OF PUBLIC WORKS

By:  7/29/09
LAWRENCE P. PEREZ
Director