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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.

GOVERNMENT OF GUAM,

Defendant.

DEPARTMENT OF PUBLIC WORKS
BI-WEEKLY
PROGRESS REPORT

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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30-09-1059

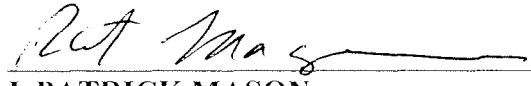
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Judith T. Won Fat, Ed. D.

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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 31st day of August, 2009.

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

6 By: 
7 **J. PATRICK MASON**
8 Deputy Attorney General
9 Attorneys for Defendant Government of Guam



The Honorable
Felix P. Camacho
Governor

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



public works
DIPARTAMENTON LHE'CHO' PUPLEKO

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)

August 31, 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.

STATUS UPDATE

I. Status of Snail Mitigation Plan.

Barry Smith provided a map identifying 14 sites previously known to support tree snail colonies. The sites were last surveyed in 1992 and will require a re-examination, with preference given to government owned land, either by local or federal governments.

Specific tasks that are currently in progress include:

- Negotiations for Phase 2 of DCA’s contract amendment which includes Mr. Smith’s scope of work has been finalized. NTP will follow shortly.
- Field investigation at potential tree snail relocation sites.
 - On August 24 2009, a field survey was conducted of the Ylig River banks. A colony of snails was discovered approximately 250 feet west of the Ylig Bridge. On August 25th, a field team consisting of Barry Smith, Richard Randall (UOG), and Mike Park (DCA) visited the site where the new colony was discovered.

Bi-Weekly Snail Mitigation Report Ylig River Bridge Project (Aug. 31, 2009)

USA v. Govt. of Guam, D.Ct. Guam Civil Case No. 02-0022

FHWA Project No. GU-NH004(104)

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- Over 150 tree snails were observed to the northwest of the bridge, near Chalan Aguon Road. Approximately 42 snails were also observed to the southwest of the bridge. Further assessment at these two locations will be conducted to determine if this could be a receiver site for the impacted snail colony at the bridge replacement location.
- On August 27, 2009, a site visit was made to areas near the Ugum Water Treatment Plant. Although no living snails were observed at the first location, native host trees were abundant in some parts. A second Ugum location revealed the existence of eight (8) living snails. The field team concluded that preliminarily, it appears that the Ugum site may possibly be a suitable habitat.
- Also on August 27, 2009, a site visit was made to an area in Agana Heights. The site had deforestation by GPA crews to keep vegetation out of the power lines. Although twenty-three (23) living snails were observed, the habitat is preliminarily considered as marginal for hosting new snails.
- The draft Snail Mitigation Plan was submitted by the Contractor to the Department of Aquatic and Wildlife Resources (DAWR) on August 21, 2009. The next step is for DAWR to review and approve the Plan. Once approval of the Plan is obtained, it will be finalized and resubmitted to DAWR for permitting.

2. Next Steps.

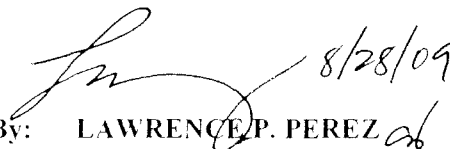
The following tasks are planned:

- Final report detailing field investigation of sites (anticipated completion on September 30, 2009)
- Secure temporary and/or permanent relocation site(s) property rights, if needed (temporary easement).
- Finalize the Snail Mitigation Plan.
- Submit the final mitigation plan to DAWR for approval permit.

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 I 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

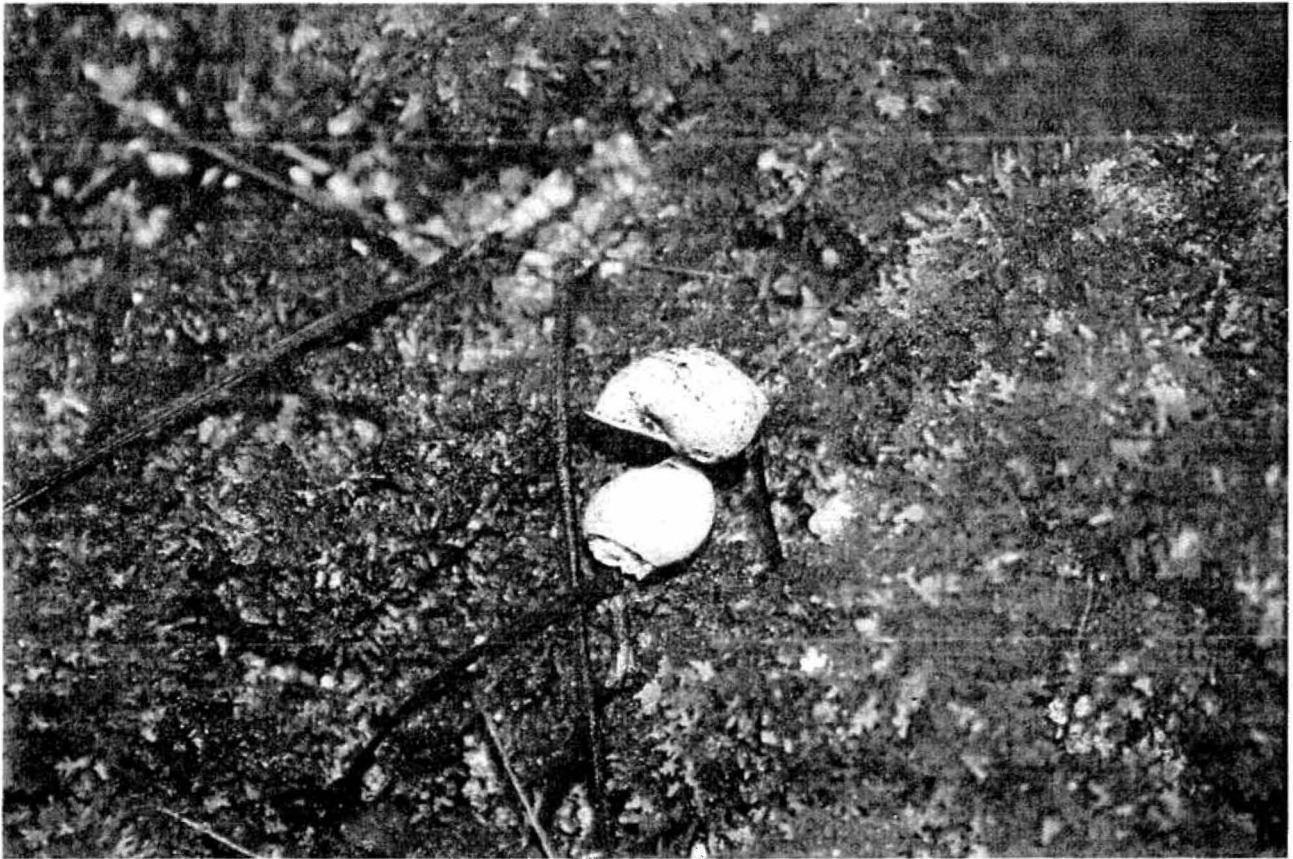
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By: **LAWRENCE P. PEREZ**
Director



Site # 1 of 14: Ugum – Talofoto Area (Near the Ugum Water Treatment Plant).

Assessment Team : Barry Smith, Richard Randall, Mike Park

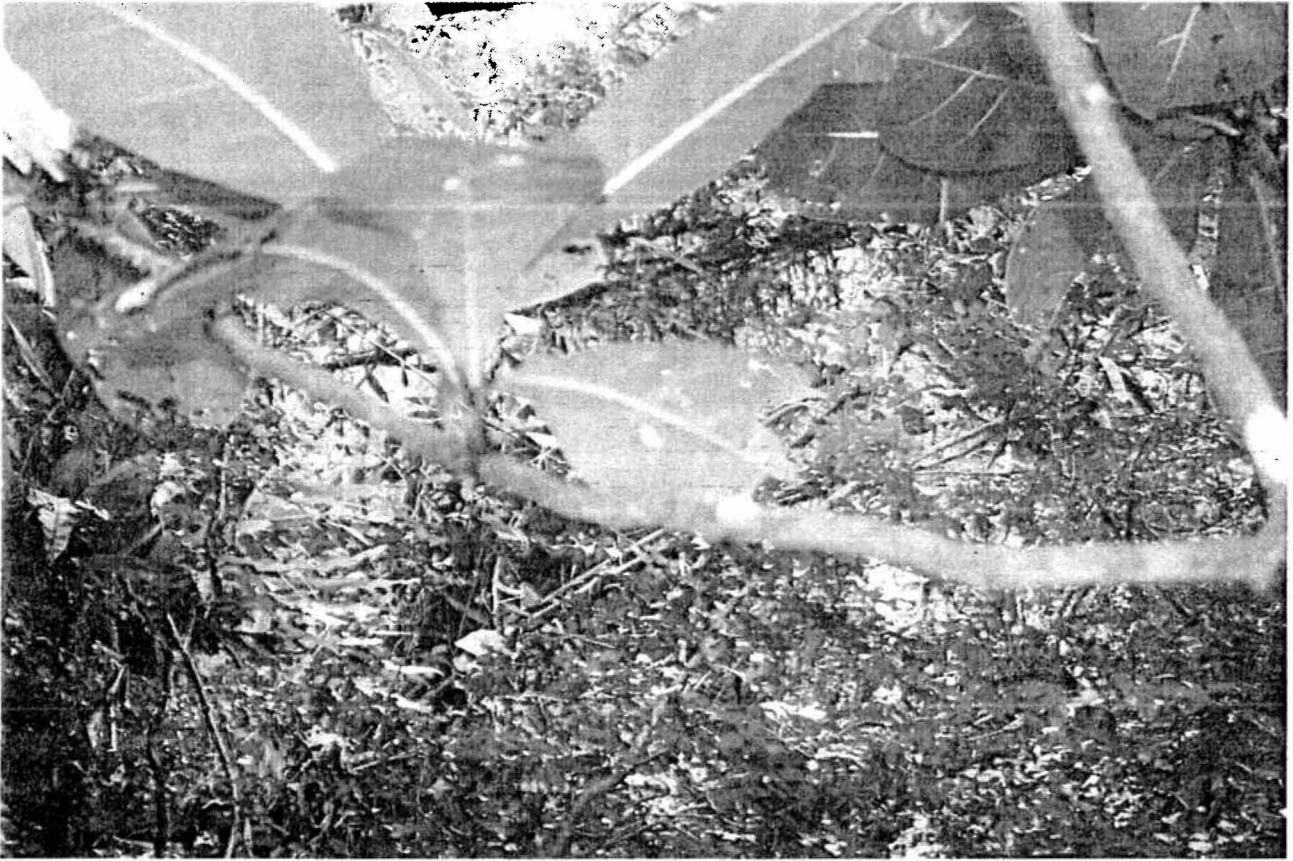
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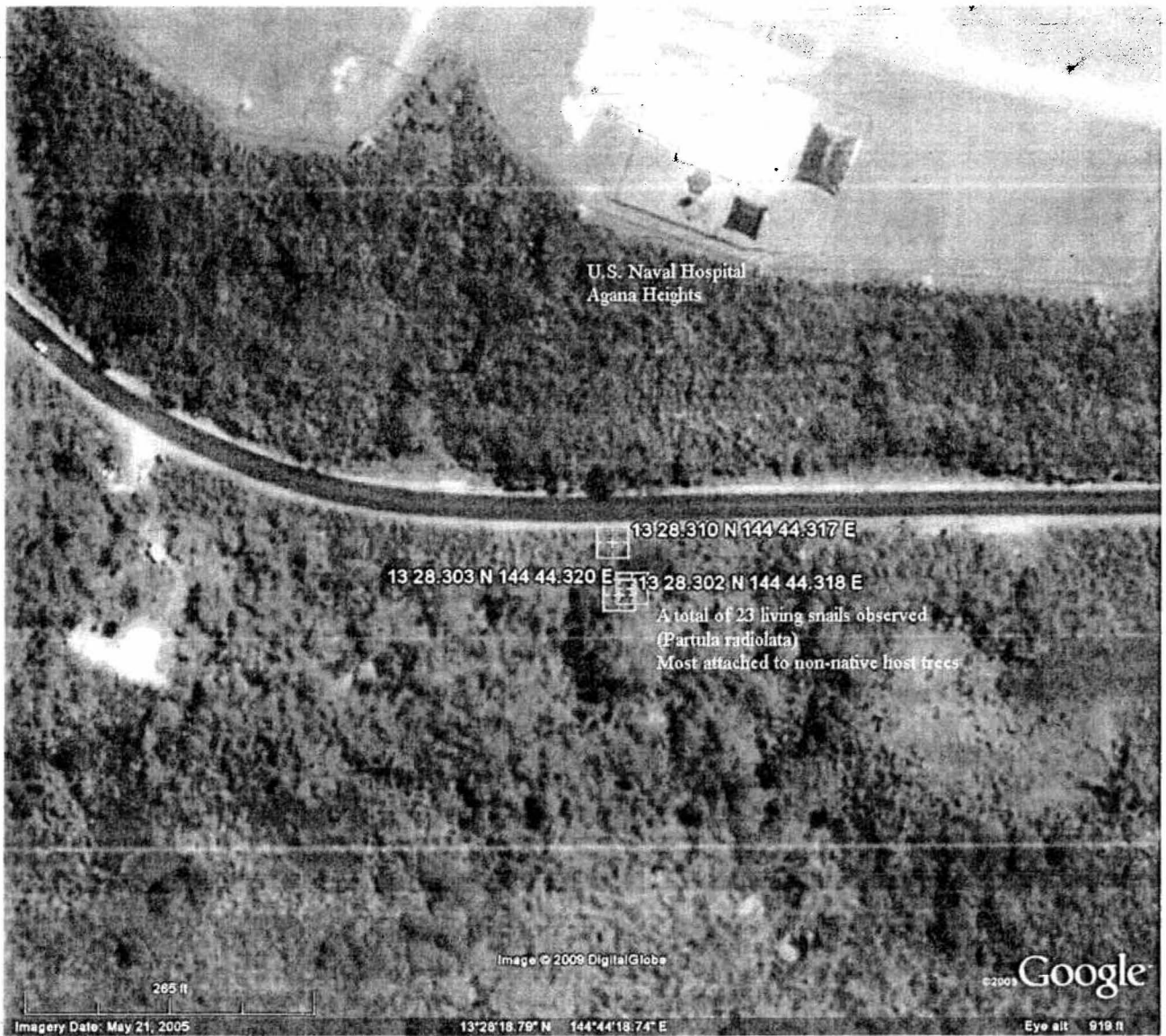
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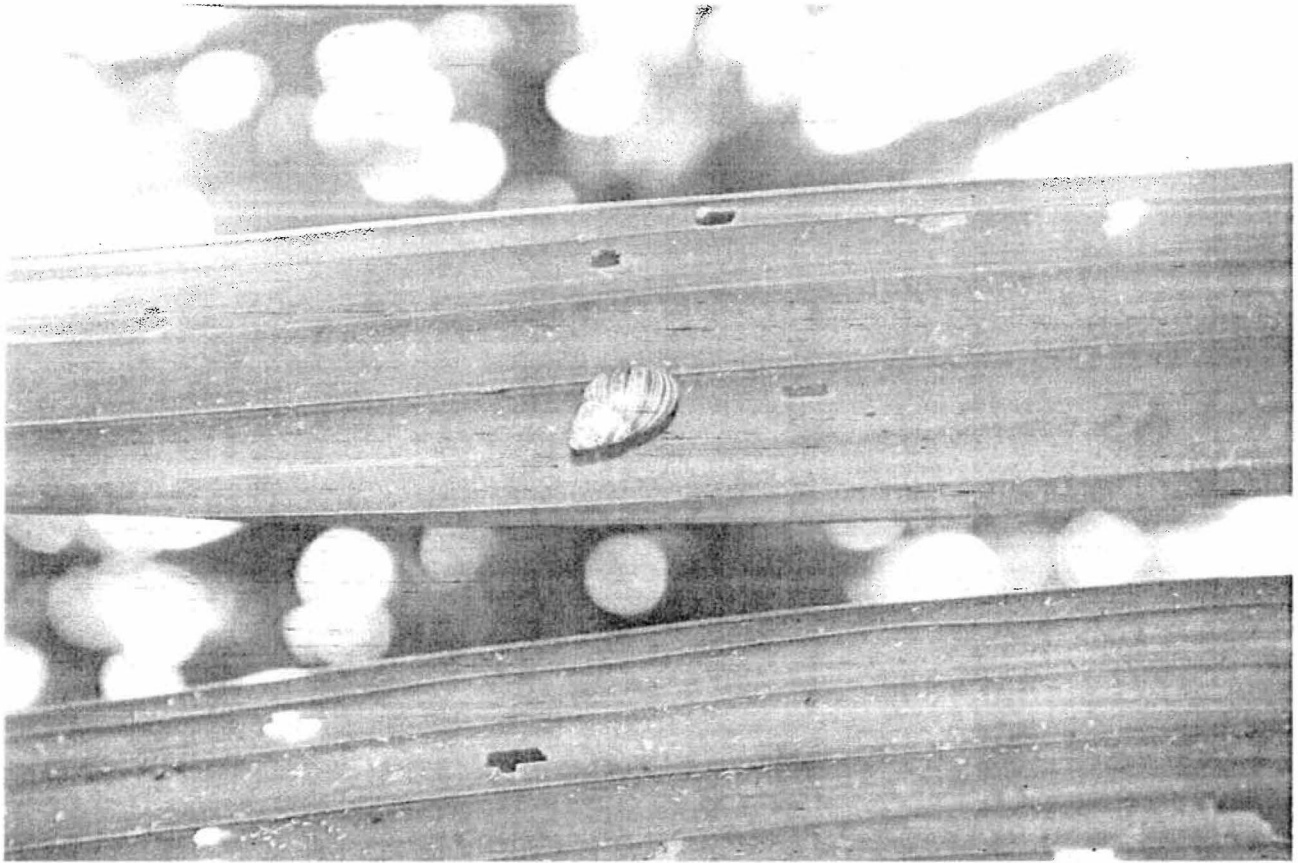
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Site # 2 of 14 : Agana Heights Area (Across Navy Hospital, near Fontaine River).

Assessment Team : Barry Smith, Richard Randall, Mike Park

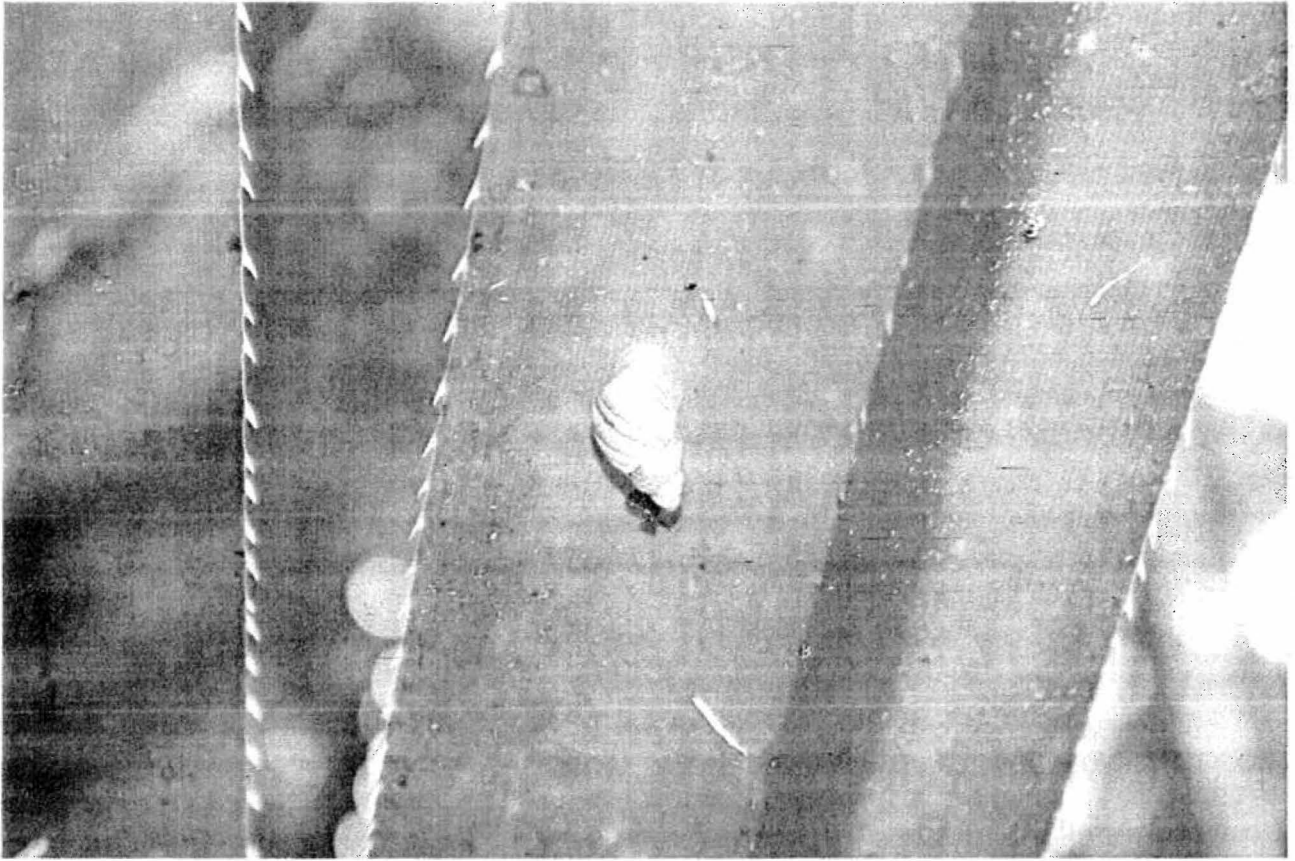
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