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**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 9th day of November, 2009.

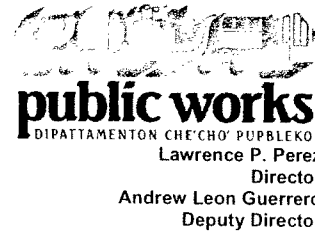
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6 By: 
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8 Deputy Attorney General
9 Attorneys for Defendant Government of Guam



The Honorable
Edo P. Guerrero
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)

November 9, 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

1. Status of Snail Mitigation Plan:

a. The Snail Mitigation Plan was finalized and submitted to the Department of Agriculture, Division of Aquatic & Wildlife Resources (DAWR) on October 6, 2009 for approval and permitting. Once DAWR approves the Snail Mitigation Plan, a determination of the final relocation site for the Ylig snails will be made.

b. According to the Snail Mitigation Plan, out of 22 potential habitat sites surveyed between August and September 2009, only 11 sites were observed to contain the endangered snail species, *Partula Radiolata*. Out of these 11 sites, only 4 were deemed suitable for receiving the Ylig snails.

c. On October 30, 2009, DPW met with the private landowner of the most suitable private property site to discuss and propose a possible relocation of the snails to the site. The landowner is reviewing DPW’s proposal and a response will soon be forthcoming.

d. In the meantime, DPW has recently identified the existence of a small strip of public property along the riverbank near the Ylig Bridge. The area is being

examined and surveyed to determine if it is a suitable habitat for the endangered snails. If the area is found to be suitable, a very good possibility exists that the snails will be relocated to this public Government of Guam-owned site, instead of to a privately-owned site.

2. Next Steps:

The following tasks are planned:

- a. Obtain DAWR's approval of the final Snail Mitigation Plan.
- b. Survey and determine the habitat suitability and boundaries of the recently identified strip of public Government property located along the riverbank near the Ylig Bridge.
- c. Determine the final relocation site for the Ylig snails after considering all factors, including location and availability.
- d. Secure any necessary property rights, approvals, or agreements regarding the final relocation site.
- e. Obtain any necessary permits or approvals from DAWR for the removal of the snails from the Ylig Bridge site to the final relocation site.
- f. Begin and engage in relocating the Ylig snails pursuant to approved methodology and procedures.

3. Deadlines and Timelines:

The design phase of the Ylig Bridge project continues to progress and is on schedule. Additionally, because construction is not scheduled to begin until sometime in Summer 2010, the snails may continue to safely remain at the Ylig Bridge site until then.

Assuming the successful implementation of the snail mitigation plan, and barring any other unexpected contingencies, the anticipated date for completing the 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:  11/5/09
LAWRENCE P. PEREZ
Director