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DISTRICT COURT OF GUAM

NOV 23 2009

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CLERK OF COURT

2009 NOV 27 AM 8:37 AM

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

COPY

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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30-09-1385
Office of the Speaker
Joseph T. Woon Pat, Ed. D.
Date NOV 23 2009
Time 2:15 PM
Checked by [Signature]

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 23rd day of November, 2009.

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

6 By:

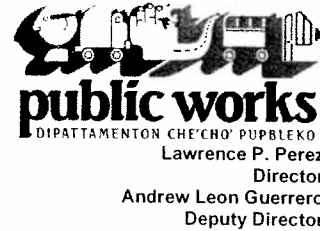


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The Honorable
Felix P. Camacho
Governor

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



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 23, 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. As previously reported, 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. Comments have now been received from DAWR and are now being addressed. Once completed, it is anticipated that DAWR will give final approval of the Snail Mitigation Plan.

b. A determination of the final relocation site for the Ylig snails continues to be ongoing. DPW has already met with the private property owner of the best suitable site to discuss the relocation. Additionally, DPW has identified a nearby strip of publically-owned land that could potentially be used as a back-up site. The back-up site is currently awaiting a field survey and study by Professor Barry Smith.

2. Next Steps:

The following tasks are planned:

a. Address the DAWR comments to Snail Mitigation Plan so as to obtain final approval.

b. Continue discussions with the private property landowner of the best suitable site about the possible relocation of the Ylig snails to the private property.

c. Complete a survey and field study of the area of public land recently identified as a back-up site so as to determine if the land is a suitable habitat for the Ylig snails.

d. Determine the final relocation site for the Ylig snails after considering all factors, including location and availability.

e. Secure any necessary property rights, approvals, or agreements regarding the final relocation site.

f. Obtain any necessary permits or approvals from DAWR for the removal of the snails from the Ylig Bridge site to the final relocation site.

g. 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:  **LAWRENCE P. PEREZ**
Director

11/20/09