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**UNITED STATES DISTRICT COURT  
TERRITORY OF GUAM**

30-09-1454  
12/21/09  
3:00 PM  
2009-12-21 AM 9:39 PM

UNITED STATES OF AMERICA	)	CIVIL CASE NO. 02-00022
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	DEPARTMENT OF PUBLIC WORKS
	)	BI-WEEKLY
GOVERNMENT OF GUAM,	)	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 21<sup>ST</sup> day of December, 2009.

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

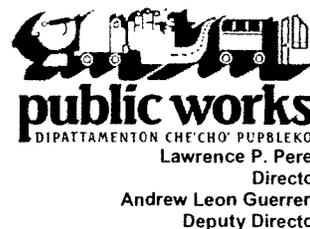
6 By:

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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)**

**December 21, 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 were received from DAWR and have been addressed. DPW is presently waiting for DAWR to issue a final approval of the Snail Mitigation Plan.

b. Also as previously reported, DPW approached a private property owner (“Owner”) with a proposal that the Ylig snails be temporarily relocated to the Owner’s land. The Owner has generously and graciously agreed to the proposal and will provide the Ylig snails with a safe harbor refuge.

c. However, in order to minimize the impact to the private property Owner, DPW will relocate as many Ylig Snails as possible to public lands located adjacent to the Owner’s lands. According to a recent habitat suitability survey of these adjacent public lands, portions of the public land are suitable as habitat for the *Partula Radiolata* species.

**2. Next Steps:**

The following tasks are planned:

- a. Obtain final approval of the Snail Mitigation Plan from DAWR.
- b. Finalize and execute a formal safe harbor agreement with the private property Owner concerning the temporary relocation of the Ylig snails to the private property.
- c. Obtain any necessary permits or approvals from DAWR for the removal of the snails from the Ylig Bridge site to the relocation site.
- d. 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. A diligent effort is being made, however, to relocate the Ylig snails as soon as possible.

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**

 12/17/09  
By: **LAWRENCE P. PEREZ**  
Director