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DISTRICT COURT OF GUAM

JAN 19 2010

JEANNE G. QUINATA
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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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30-10-0052

Clerk of the Legislature

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ACKNOWLEDGEMENT RECEIVED

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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 19th day of January, 2010.

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

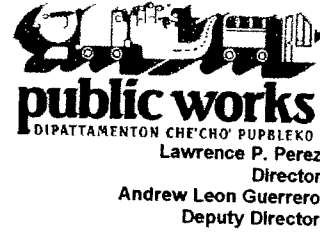
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8 **J. PATRICK MASON**
9 Deputy Attorney General
10 Attorneys for Defendant Government of Guam
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The Honorable
Felix P. Camacho
Governor

The Honorable
Michael W. Cruz, M.D.
Assistant 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)

January 18, 2010

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. On December 21, 2009, the Department of Agriculture (“DAG”) approved and authorized the mitigation actions detailed in the Final Mitigation Plan. This means that DPW may begin the relocation of the Pacific Tree Snails from the Ylig Bridge Project Site.

b. The snails will first be relocated to the nearby portions of public property that were recently surveyed and found to be suitable habitat. Snails that are unable to fit within the public property will be placed upon private property. In order to provide the snails with the best chance of survival and to minimize mortality, the snails will be relocated as environmental conditions permit, preferably during a cool rainy period.

2. Next Steps:

The following tasks are planned:

a. Finalize and execute the safe harbor agreement with the private property Owner concerning the temporary relocation of the Ylig snails to the private property.

b. 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

By:  **LAWRENCE P. PEREZ**
Director

1/15/10