

FILED
DISTRICT COURT OF GUAM

MAY 10 2010

JEANNEG. QUINATA
CLERK OF COURT

Office of the Attorney General
Alicia G. Lintiaco
Attorney General of Guam
Civil Division
287 West O'Brien Drive
Hagåtña, Guam 96910 • USA
(671) 475-3324 • (671) 472-2493 (Fax)
www.guamattorneygeneral.com

Attorneys for the Government of Guam

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM**

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.

/ /
/ /

36-10-0433
5/10/10
[Signature]

2010 MAY 13 AM 11:14

COPY

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 Submitted this 10th day of May, 2010.
4

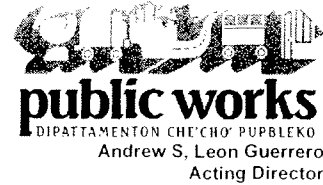
5 OFFICE OF THE ATTORNEY GENERAL
6 ALICIA G. LIMTIACO, Attorney General of Guam

7 By: 
8 **J. PATRICK MASON**
9 Deputy Attorney General
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



The Honorable
Felix P. Camacho
Governor

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



public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
Andrew S. Leon Guerrero
Acting 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)

May 10, 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 and Relocation:

a. On April 2, 2010, a written “Safe Harbor Agreement” was executed between the Governor of Guam, the Department of Public Works (DPW), the Department of Agriculture (DAG), and Mrs. Arlene Bordallo. Under the Safe Harbor Agreement, Mrs. Bordallo agreed that DPW and DAG could temporarily relocate the Pacific Tree Snails from the Ylig Bridge Project Site to her nearby private property for a term not to exceed five (5) years.

b. Still as of the date of this filing, approximately 126 snails have been relocated from the Ylig Bridge Project site to a parcel of public property adjacent to Mrs. Bordallo’s private land.

c. An approximate 200 to 300 more snails will be relocated to the private land as soon as environmental conditions permit (e.g. during a rainy or cool day). Since the filing of the last report, no snails have been moved away from the Ylig Bridge project site because the weather over the past two weeks has been extremely hot, dry, and sunny with little to no rain or cool periods. The snails must be moved only during a rainy or

cool period; otherwise the chances of a successful relocation will be greatly diminished to a high mortality rate.

2. Deadlines and Timelines:

Bid letting for the construction phase of the Ylig Bridge is scheduled to begin in Summer 2010. Although the Ylig snails can safely remain at the project site until construction begins, it is expected that due to the anticipated rainy season at the end of May and beginning of June, they will be relocated long before construction begins, and perhaps even before bid letting in the Summer 2010.