



March 27, 2026

Letter No. 389  
BY-CRE-05064

Washington State Department of Transportation  
I-405/SR 167 Program  
18911 N Creek Pkwy S, Suite 150  
Bothell, WA 98011

Attention: Evelyn Pao, P.E.  
Project Director

Project: I-405/Brickyard to SR 527 – Improvement Project  
Contract No.: 009727

**Subject: Protest 005 - Issue SKA-0255 – Juanita Creek Design Issues (East) – Status: Hold Pending Sediment Size OIC Resolution**

Dear Ms. Pao:

Skanska is in receipt of WSDOT Serial Letter No. 9727-205, dated November 25, 2025, in which WSDOT maintained its determination that the current Juanita Creek design criteria is not in compliance with the Contract and found no merit for additional cost or extension of time. Skanska respectfully disagrees with WSDOT's determination and reserves all rights with respect to this subject issue.

As a preliminary matter, Skanska notes that its prior correspondence – Skanska SL Nos. 241 and 249 – served primarily to transmit AECOM's protest and supplemental protest documentation to WSDOT. In those letters, Skanska explicitly requested continued collaboration toward a technical resolution rather than formal protest escalation. Accordingly, Skanska's position is that a formal protest under Section 1-04.5 was not unilaterally initiated by Skanska and that WSDOT's characterization of those transmittals as a formal Notice of Protest in WSDOT SL No. 9727-179 was premature. Skanska reserves the right to raise this procedural issue as appropriate.

Skanska is concurrently issuing, under separate cover, a Notice of Owner-Initiated Change (OIC) addressing project-wide sediment sizing requirements across multiple fish passage stream crossings (Skanska SL No. 388 – Sediment Sizing OIC Notice). The technical issues raised in Protest 005 – specifically, the inability to achieve compliance with the stream simulation while meeting the streambed aggregate material requirement that sediment fall within 20% (max.) coarser than existing conditions as set forth in Contract Table 2.30-B – are directly affected by and cannot be resolved independently from the project-wide sediment sizing issue addressed in that OIC notice.

Accordingly, Skanska hereby places Protest 005 – Juanita Creek Design Criteria on HOLD pending resolution of the project-wide sediment sizing OIC. Skanska intends to revisit and further pursue this protest, including the dispute and claims procedures set forth in Section 1-04.5(1), upon resolution of the sediment sizing OIC or at such earlier time as the parties determine the issues can be addressed independently.

Skanska hereby reserves all rights under the Contract and applicable law, including the right to pursue additional compensation, schedule relief, and all available dispute resolution remedies with respect to Protest 005. Nothing in this letter shall be interpreted as an acceptance of WSDOT's determination under WSDOT SL No. 9727-205, a waiver of any rights previously asserted, or a modification or estoppel of Skanska's right to assert the same. This letter is without prejudice to, and with full reservation of, Skanska's rights, remedies, causes of action, and defenses under the Contract, at law, in equity, or otherwise.

# SKANSKA

We remain committed to resolving this matter collaboratively with WSDOT.

Sincerely,



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Patrick Prendergast, Vice President

Skanska USA Civil  
18911 N Creek Parkway S  
Suite 300  
Bothell, WA 98011

**Attachments:**

1. 2026.03.24-AECOM Res to SL9727-205-JC Dgn Criteria

3/24/2026

**Via E-mail**

Kyle Sharrer  
Skanska USA Civil West California  
District Inc.  
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[Kyle.Sharrer@skanska.com](mailto:Kyle.Sharrer@skanska.com)

**Re: I-405/Brickyard to SR 527 Improvement Project (the "Project")  
AECOM Project No. 60713342  
Notice of Design-Builder Change / Claim Notice  
PCN-00119 – Juanita Creek Design Criteria**

Dear Kyle:

AECOM is in receipt of WSDOT's letter SL No. 9727-205, entitled RE: Juanita Creek Design Criteria: Supplement information to Notice of Protest, and dated November 25, 2025. This letter was provided to AECOM on February 20, 2026 by Skanska. While we disagree with the assertions therein, we look forward to continuing to progress the design collaboratively with WSDOT and Skanska. AECOM recognizes the discussions regarding the Juanita Creek design criteria are still ongoing between the design-build team, WSDOT and WDFW. AECOM has provided letters, "Re: Notice of Potential Delay - Stream Design Compliance with HPA Permit Requirements" dated January 21, 2026 and "Notice of Owner Change / Claim PCN-00148 - WDFW Sediment Size R1" dated March 18, 2026 asserting our position for this issue.

We continue to maintain our position that the design is at Juanita Creek requires an owner initiated change due to the defect in available right-of-way that results in a need to deviate from the contract requirements of stream simulation. We look forward to collaborating with Skanska to determine a path forward with WSDOT and WDFW. The owner team has continued to exhibit indecision and misdirection for the design-build team that has caused significant delay and additional costs for AECOM. We look forward to collaborating with and supporting Skanska in an effort to recover costs already incurred and determine a mutual path forward for the oncoming challenges we have with WSDOT.

This letter is without prejudice to, and with a full reservation of, AECOM's rights, remedies, causes of action, and defenses under the Subcontract, at law, in equity, or otherwise. Nothing in this letter shall be interpreted as a modification or waiver, or an estoppel of AECOM's right to assert the same. If you have any questions, please do not hesitate to contact me directly.

Yours sincerely,

**AECOM Technical Services, Inc.**

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**cc:** Evan Grant (AECOM), Richard Patterson (AECOM)