

May 2, 2025

Patrick Prendergast, P.E.

Vice President

Skanska USA Civil

6100 219th Street SW Suite 300

Mountlake Terrace, WA 98043

WSDOT SL No. 9727-107

Reference: **Contract No. 9727**
I-405, Brickyard to SR 527 Improvement Project

Subject: **RE: Notice of Newly Discovered Wetland (LTR 175)**

Mr. Prendergast:

WSDOT is in receipt of Skanska serial letter No.175, Notice of Newly Discovered Wetland, dated April 11, 2025. Consistent with the requirements of RFP Section 2.8.5.4.5, Additional Impacts, Skanska serial letter No.175 informs WSDOT of a newly discovered wetland proximate to Juanita Creek West, and provides e-mail, photos and plan sheet information to that effect.

Skanska serial letter No.175 states the following:

“Skanska continues to assess the area and will provide WSDOT with an update shortly including the required information necessary to obtain a permit modification.”

WSDOT appreciates the continuing assessment, and notes that this course of action by Skanska is also consistent with the requirements of RFP Section 2.8.5.4.5 and will work with Skanska for permit update in accordance to RFP Section 2.8.5.4.5. Please submit figures and quantification of the additional impacts or changes to impacts including proposed mitigation for permanent impacts, justification for wetland to stream conversion (functional lift), and restoration plans for temporary impacts. Once Skanska provides this information, WSDOT will coordinate with the agencies for both Corps 404 and Ecology 401 permit modifications. WSDOT notes that HPA modification may also be necessary based on changes to the stream impacts.

WSDOT emphasizes that Skanska shall not impact the newly discovered wetland without written authorization from the WSDOT Engineer. Said authorization is contingent upon receiving modified permits from Federal, State and Local regulatory agencies as appropriate.

Regarding time impacts associated with this discovery, per General Provision 1-08.3(6), any delays will be measured against the accepted Baseline Contract Schedule and Successor

Monthly Contract Schedule Updates. In addition, Skanska shall submit any requests for time extensions to WSDOT in accordance with General Provision 1-08.8. The request shall be limited to demonstrable delays in the Critical Path attributable to the change or event giving rise to the request.

Concerning cost impacts, General Provision 1-04.4(5), Item (h), indicates that costs associated with any delay not on the Critical Path are the Design-Builder's exclusive responsibility.

In lieu of any information to substantiate a Critical Path delay, WSDOT does not recognize any merit for cost or time impacts.

If you have any questions, please contact me at (425) 495-1577.

Sincerely,

A handwritten signature in black ink, appearing to read 'Evelyn C. Pao', written in a cursive style.

Evelyn C. Pao, P.E.
Project Director

ECP:jls

cc: D. Case, D. Holmquist, J. Slavicek, S. Berriz, B. Kane, A. Toney, M. Chong, N. Bergeman, R.Gehrlein, E-File