

April 10, 2026

**Patrick Prendergast, P.E.**

Vice President

Skanska USA Civil

18911 North Creek Parkway, Suite 300

Bothell, WA 98011

WSDOT SL No. 9727-318

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

Subject: **RE: Notice of OIC – Streambed Material Gradation**

Mr. Prendergast:

WSDOT is in receipt Skanska LTR 388, Notice of Equitable Adjustment - Owner-Directed Changes to Fish Passage Streambed Material Gradation (Issue SKA-0320), dated March 27, 2026 and Skanska LTR 392, dated April 3, 2026, providing supplemental exhibits. WSDOT declines both requests. No OIC or equitable adjustment is warranted.

Technical Requirements (TR) 2.30.5.2.1 Certain Structure and Channel Design Characteristics requires compliance with Table 2.30-B, which specifies that proposed bed material shall be "20% (max.) coarser than existing" at all fish passage crossings, including the four crossings identified in Skanska LTR 388. Except as otherwise specified, where a conflict exists between Table 2.30B and another Contract requirement, the requirements of Table 2.30-B shall take precedence. TR 2.30.5.3 Streambed Aggregates requires sizing "in accordance with the WSDOT Hydraulics Manual." The Hydraulics Manual Streambed Material Decision Tree (M 23-03.07, Appendix 7A) provides that an over coarsened channel may only be constructed "subject to agreements between WSDOT and WDFW" and that the "project meets WDFW Water Crossing Design Guidelines." No such agreement has been reached. The Design-Builder's selection of the over coarsened design path without confirming that this condition was satisfied is a design decision within the Design-Builder's responsibility under GP 1-02.1.

Skanska LTR 388 characterizes Fish Passage Task Force Meeting discussions as WSDOT "direction" to proceed with over-coarsened material. General Provisions (GP) 1-02.1 Responsibility for Design provides that "no field explanations or interpretations provided by WSDOT at any meetings, and no comments by WSDOT on Design Documents or Released for Construction (RFC) Documents, shall be deemed, construed, or interpreted to (a) amend, supersede, or alter the terms, requirements, limitations, or meaning of any Contract Document or (b) release or relieve the Design-Builder from full responsibility for the design of the Project..." WSDOT did not issue a Written Change Order directing over-coarsened streambed material.

Patrick Prendergast  
WSDOT SL No. 9727-318  
April 10, 2026  
Page 2 of 2

Under GP 1-04.4(1), changes in the Work require authorization by WSDOT. WSDOT has not authorized over-coarsened streambed material at any crossing. The design revisions currently underway bring the streambed gradation into compliance with Table 2.30-B. Design changes by the Design-Builder to meet contract requirements are the Design-Builder's responsibility and "are not considered a change in the Work."

WSDOT notes that LTR 388 addresses four fish passage crossings with distinct design histories and site conditions. Any future correspondence on this matter, including any formal Change Proposal under GP 1-04.4, should address each crossing separately.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Evelyn Pao".

Evelyn Pao, P.E.  
Project Director  
EP:za

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