SKANSKA

10/10/2025

Letter No. 249
BY-CRE-03734

Evelyn Pao, P.E., Project Director
Washington State Department of Transportation
18911 N Creek Pkwy S, Suite 150
Bothell, WA 98011

Project: I-405, Brickyard to SR 527 Improvement Project
Contract No: 009727

Subject: Juanita Creek Design Criteria: Supplement information to Notice of Protest

Dear Ms. Pao:

While Skanska appreciates WSDOT's continued collaboration in the design development process and acknowledges WSDOT's position that SL No. 9727-155 does not constitute an engineering determination and is therefore not subject to protest, our designer, AECOM, maintains that the subject letter represents a determination of merit. Accordingly, AECOM wishes to preserve its rights under the contract and requests that Skanska transmit the attached supplemental document to WSDOT in continuation of the protest previously submitted under Letter No. 241-BY-CRE-03637.

Pursuant to the procedures set forth in Section 1-04.5 of the RFP, Procedure, Protest, and Dispute by the Design-Builder, AECOM hereby submits this Supplement to its Claim Notice pertaining to WSDOT's written determination under SL No. 9727-155.

Sincerely,

Patrick Prendergast, Project Executive
Skanska USA Civil
18911 N Creek Pkwy S, Suite 300
Bothell, WA 98011

AECOM

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10/10/25

Via E-mail
Patrick Prendergast
Contractor's Representative
Skanska USA Civil West California District Inc.
18911 N Creek Pkwy, Suite 300
Bothell, WA 98011
Patrick.Prendergast@skanska.com

Project: I-405, Brickyard to SR 527 Improvement Project
Contract No: 009727
RE: Notice of Protest: Juanita Creek Stream Design Requirements

In accordance with the claim procedures outlined in Section 1-04.5 of the RFP: Procedure, Protest, and Dispute by the Design-Builder and the terms of the Design Subcontract including, but not limited to Articles 3, 4, and 8, AECOM hereby provides this Supplement to its Claim Notice relating to the written determination by WSDOT engineer Evelyn Pao, P.E. set forth in WSDOT's correspondence WSDOT SL No. 9727-155, dated September 12, 2025. **Please forward this notice to WSDOT's by no later than October 10, 2025.**

Written statements and supporting documents to supplement the Written Protest:

(a) The date and nature of the protested order, direction, instruction, interpretation, or determination.
(b) A full discussion of the circumstances which caused the protest, including names of Persons involved, time, duration and nature of the Work involved, and a review of the Contract Documents/Design Documents referenced to support the protest.
(c) The estimated dollar cost, if any, of the protested Work and a detailed breakdown showing how that estimate was determined.
(d) An analysis of the progress schedule showing the schedule change or disruption if the Design-Builder is asserting a schedule change or disruption.

a. The date and nature of the protested order, direction, instruction, interpretation, determination:

Date of Protested Order: September 12, 2025
Nature of Protested Order:

This letter supplements AECOM's notice of protest letter dated September 25, 2025, in which AECOM explained that AECOM is not able to comply with the direction provided in WSDOT's correspondence WSDOT SL No. 9727-155, dated September 12, 2025 for two reasons.

First, the letter requires AECOM to "develop a contract compliant design that conforms with the stream simulation methodology" and to "incorporate the draft Preliminary Hydraulic Design ("PHD")." However, this direction is contradictory. While the Hydraulic Project Approval (HPA) identified the draft PHD design as stream simulation, Washington Department of Fish and Wildlife ("WDFW") has since clarified – on July 28, 2025 and again on September 16, 2025 – that the WSDOT's draft PHD does not follow stream simulation methodology (as required by Chapter 2.30.5.2 of the contract).

The draft Juanita Creek Plans (Appendix H3, contractual document) and draft PHD do not meet Contract requirements for the following reasons:

- Neither the proposed culvert slope, nor the proposed project reach slope meet the stream simulation 1.25 slope ratio requirement. WDFW indicated that the incremental slope ratio

approach (1.25x from the culvert upstream to the grading limits), as applied in the draft PHD, does not follow the stream simulation approach. The slope ratio should be calculated as the project reach slope divided by the reference reach slope. The proposed culvert slope of 3% and the proposed average reach slope of 3.3% require reference reaches having slopes of at least 2.4% and 2.6%, respectively to comply with the slope ratio for stream simulation and such reference reaches were not identified by WSDOT and do not exist upstream of the project.

- The proposed bed material does not meet the requirement to fall within 20% (max.) coarser than existing (stated in Table 2.30-B Structure and Channel Design Characteristics)

As a result of the above, AECOM is not able to "develop a contract compliant design that conforms with the stream simulation methodology" and to "incorporate the draft Preliminary Hydraulic Design ("PHD")" as requested.

Second, site constraints, including inadequate limits of the right-of-way necessitate deviation from the Contract. The basic configuration impact area limit within the wetland buffer and right of way limits for the project were established by WSDOT. The stream alignment was limited by the property boundary to the east for Parcel 3288300840, which forces higher slopes for the project. In addition, the proposed stream length is over 70 feet less than the existing stream length (over 10% reduction in stream length), which increases the slope from existing conditions. The defect in the basic configuration of right-of-way limits and impact area limits within the wetland buffer resulted in stream simulation not being achieved by the draft PHD and draft Juanita Creek Plans.

We remain committed to working collaboratively with WSDOT to deliver a design that satisfies the Contract and permitting obligations based upon the site conditions and project limits. Accordingly, we request that WSDOT withdraw its determination in WSDOT SL No. 9727-155, and either: (1) allow AECOM to continue with the design development that had previously been progressing with WSDOT's support, including the recognition that deviations from the Contract are required to account for the above, and fully support efforts to obtain WDFW approval for these required deviations; (2) obtain additional right-of-way to allow contract compliance and approve the cost for redesign and accompanying schedule extension; or (3) provide an Owner Initiated Change (OIC) to revise the contract design requirements to align with WSDOT's approach to the Juanita Creek stream design.

b. A full discussion of the circumstances which caused the protest, including names of Persons involved, time, duration and nature of the Work involved, and a review of the Contract Documents/Design Documents referenced to support the protest.

As WSDOT knows, and was recently confirmed by WDFW, the draft Juanita Creek Plans (Appendix H3, contractual document) and draft PHD do not meet other Contract requirements. Most notably, they conflict with the contractual requirement that the design meets stream simulation requirements (Technical Requirements Section 2.30.5.2.). The Juanita Creek Plans provided by WSDOT (Appendix H3, contractual document) had average slopes as high as 5.91% in the upstream reach and D50 greater than 20% coarser than the existing material. In order to comply with the slope ratio for stream simulation, additional upstream right of way should have been acquired. Instead of obtaining the necessary right of way, WSDOT chose to direct AECOM to advance WSDOT's PHD, which course of action AECOM has been following for the last year and a half.

We understand that WSDOT assumed WDFW would approve the construction of channel reaches that are steeper than nearby reference reaches in order to keep the project within WSDOT's right-of-way and then allow regrade to potentially affect upstream properties postconstruction. WSDOT encouraged AECOM to proceed with the plans on a similar basis. But, because of this, the Contract plans provided by WSDOT were in conflict with other contract requirements, such as the stream simulation requirement, which ambiguity WSDOT had previously resolved in favor of the plans (as opposed to the stream simulation requirement). The direction that AECOM is now protesting involves a shift in WSDOT's direction, which will cost AECOM time and cost.

To the extent the subject WSDOT letter constitutes direction to alter the step pool portion of the design to achieve stream simulation and/or natural regrade requirements, AECOM disagrees with such directive because the steepness of the slope requires step pools according to WSDOT guidance. The PHD design

included approximately 50% pools and 50% riffles; since pools are flat, when riffles and pools are incorporated into the surface, riffles become steeper than the average slope. As the upstream reach design progressed, some riffles became as steep as 9.44% -- too steep for a typical riffle. Thus, WSDOT's Alex Strom concluded that a step-pool system was the best solution for the upstream reach. This conclusion was discussed and documented during the 6/4/2024 task force meeting.

- Officially documented meeting minutes from 6/4/2024 clearly indicate WSDOT's agreement with the proposed solution to shift to a step-pool system. WSDOT participants included Alex Strom, Jason Pang, Celso Hermogenes, Janka Lovering.

No.	Mtg Origin	Title	Assignment	Due Date	Priority	Status
3.17	14	Step pool layout & design				Open

Description
Discussion on step pool layout & design

Official Documented Meeting Minutes

- Upstream of the structure is pretty steep (average reach is 6%)
  - Does WSDOT have preference on boulder riffle or step pool given the elevation change?
    - WSDOT sees no issue with step pools at the top

- Unofficial meeting minutes (taken by Meredith Cote from this same meeting 6/4/2024):

Juanita - step pool layout & design. US being a step pool system instead of a riffle pool. Further US near the beginning of grading extent (outside of structure). Not sure if they have a preference on step pool or riffle pool. Don't see an issue putting a step pool system In at the time. Preference over boulder cascade system. Preference with logs and not boulders. Boulders would not be natural. Upper reach area step pool as well.

Additionally, had AECOM continued with the riffle pool design, it would have necessitated materials that were larger, further deviating from the contract requirements.

- The WSDOT Hydraulics Manual recommended methodology for sizing streambed sediment is the Modified Critical Stream Stress Approach, in which material is sized for the D84 to be stable at the 100-year flow. Appendix C of the PHD included the following table and footnote, which were not commented on by WSDOT, WDFW, or the Tribes, stating that the D50 on the upstream 9.44% riffle would need to be 13.7", further justification for changing from riffle-pool to step-pool in the upstream reach.

1. Modified Critical Shear Stress Approach for Sediment Sizing

Reference: fsm91_054564.pdf (usda.gov)

			Pebble Count	WSDOT PHD Design Gradation In Body Text	WSDOT Standard Spec Large (D84 = 2", D50 = 1")	WSDOT Standard Spec Small (D84 = 1", D50 = 0.5")	Not Mobile at 100yr average - Riffle[1]	Not Mobile at 100yr max - Riffle	Not Mobile at 100yr average - Pool[2]	Not Mobile at 100yr max - Pool	Not Mobile at 2yr average - Pool[3]	Upstream Arc/Max Shear Stress/Most Steep Riffle Average - 100yr[4]
Critical shear stress	τ_{cB4}	(lb/sq-ft)	0.43	2.50	0.48	0.22	4.23	4.81	1.52	1.69	0.61	7.24
Shield's parameter	τ^*_{D50}		0.04	0.05	0.05	0.04	0.05	0.05	0.05	0.05	0.05	0.05
	D_{16}	(ft)	0.02	0.14	0.02	0.01	0.18	0.21	0.07	0.07	0.03	0.36
	D_{50}	(ft)	0.08	0.32	0.08	0.04	0.58	0.66	0.22	0.23	0.10	1.14
	D_{84}	(ft)	0.18	1.100	0.17	0.08	1.45	1.65	0.54	0.58	0.240	2.850
	D_{100}	(ft)	0.37	2.20	0.34	0.16	2.90	3.30	1.35	1.16	0.60	7.13
	D_{16}	(in)	0.28	1.65	0.26	0.12	2.18	2.48	0.81	0.87	0.36	4.28
	D_{50}	(in)	1.01	3.89	0.96	0.48	6.96	7.92	2.59	2.78	1.15	13.68
	D_{84}	(in)	2.21	13.20	2.04	0.96	17.40	19.80	6.5	6.96	2.9	34.2
	D_{100}	(in)	4.42	26.40	4.08	1.92	34.80	39.60	16.2	13.92	7.2	85.5
100-year max shear stress - riffle	4.76	(lb/sq-ft)	Motion	Motion	Motion	Motion	Motion	**No Motion**	Motion	Motion	Motion	No Motion
100-year average shear stress - riffle	4.17	(lb/sq-ft)	Motion	Motion	Motion	Motion	**No Motion**	No Motion	Motion	Motion	Motion	No Motion
100-year max shear stress - pool	1.68	(lb/sq-ft)	Motion	Motion	Motion	Motion	Motion	No Motion	Motion	**No Motion**	Motion	No Motion
100-year average shear stress - pool	1.48	(lb/sq-ft)	Motion	Motion	Motion	Motion	Motion	No Motion	**No Motion**	No Motion	Motion	No Motion
2-year average shear stress - pool	0.60	(lb/sq-ft)	Motion	No Motion	Motion	Motion	No Motion	No Motion	No Motion	No Motion	**No Motion**	No Motion
Upstream Arc/Max Shear Stress/Most Steep Riffle	7.22	(lb/sq-ft)	Motion	Motion	Motion	Motion	Motion	Motion	Motion	Motion	Motion	**No Motion**

[1]A ratio of D84/D100 = 0.5 was used instead of the typical 0.4, so that the D100 could be kept to less than one quarter of the bankfull width (BFW =12'; D100 = 34.8")

[2]While the model indicates that pool sediment size would need to have a D50=2.59" for it not to be mobile, because pools are intended to scour and fill, with most of their sediment moving through the system, the sediment gradation for pools was decreased to the standard WSDOT streambed sediment.

[3]WSDOT streambed sediment (D50=1") will be mobile in pools at 2-yr flow, since D50 needs to be 1.15" for no motion.

[4]Evidence that upstream end of the Juanita grading extents are too steep for a riffle-pool system, because D50 would need to be 13.7" to be stable at the 100-yr; thus proposing step-pool system for FHD.

Find critical shear stress for D 84

where:

τ_{ci} is the critical shear stress at which the sediment particle of interest begins to move (lb/ft^2 or N/m^2).

τ_{*Di} is the dimensionless Shields parameter for D_{ci} particle size (this value can either be obtained from table E.1, or the value 0.045 can be used for a poorly sorted channel bed).

D_{ci} is the diameter (ft or m) of the median or 50th percentile particle size of the channel bed .

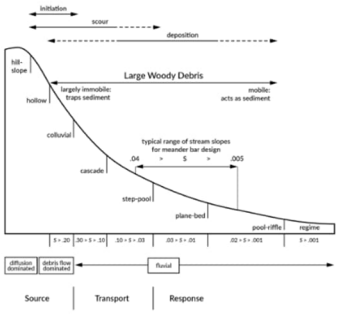
D_i is the diameter (ft or m) of the particle size of interest. For stream simulation the particle size of interest is typically D_{84} and/or D_{95}.

AECOM

The following are slides from the 2022 WSDOT fish passage and stream restoration training, further describe when WSDOT recommends the use of step-pools, including in steeper slope designs such as this design (as required by the right-of-way constraints):

Stream Types

- Montgomery-Buffington Stream Types:
  - Cascade: > 10% , confined
  - Step-Pool: 3% - 10% , confined
  - Plane Bed: 1% - 3% , confined or unconfined
  - Pool-Riffle: 0.1% - 2% , confined or unconfined / forced or unforced
  - Regime/ Dune Riffle: < 0.1% , confined or unconfined



Lower Gradient Streams (<3%)

- Pool-riffle
- Plane bed
- Forced Pool-riffle
- Typically mobilize around bankfull discharge event

Pool - riffle

Plane bed

Higher Gradient Streams (>3%)

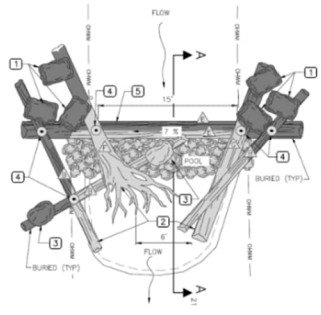
- Step-Pool, wood or rock, (3 – 8%)
- Cascade (> 8%)
- Larger material mobilizes above 25 year discharge event

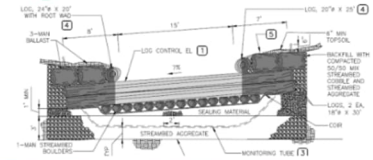
Step Pool Design Comparison

Characteristic	Boulder Step	Wood Step
Natural step context	Lag deposits (glacial moraine, landslides)	Forested floodplains, forested ravines
Permeability	High risk	Low risk, can use to express surface flows
Slope	3% to 20%	3% to 20%
Within crossing	Recommended	Not recommended
Stability	Susceptible to rolling out, deformation Weir boulders much larger than D100	Must be sufficient DBH Breakage non-issue Must be locked in on both ends
Longevity	Long term if not undermined	If saturated, long term If dry, will decay
Ephemeral systems	Recommended	Not recommended
Hybrid design	Wood can raise WSE, maintain pools, create hydraulic diversity, maintain surface low flows	Boulders can key in wood steps

Naturally-Formed Log Step

Step Pool Design: Channel Spanning Wood





Natural Systems Design

Seattle

The FHD step-pool design was based on the Channel Spanning Wood design from the figure above, provided in WSDOT training, which includes wood sloping to one side of the stream with cross logs helping to form the banks and provide cover. The FHD step-pool design was also based on the 25.0L WSDOT Plans provided by WSDOT (Appendix H3, contractual document), which had coir sacks and multiple spanning pieces of wood.

Timeline of Relevant Events

- 11/2023 to present: biweekly Fish Passage Task Force meetings with WSDOT including Alex Strom and, starting late 2024, also including Gabe Ng, to discuss Juanita Creek and other fish passage projects and receive guidance and concurrence on design.
- 7/3/2024 - AECOM submitted PHD Design to Skanska

  PHD included the following statement that was not commented upon by WSDOT, WDFW, or Tribes:

4.3.1 Bed Material

Existing condition hydraulics of Juanita Creek are influenced by the regional detention facility located under I-405. The proposed Juanita Creek structure under I-405 will not have such a facility, and velocities and shear stresses will be higher than existing conditions. Bed materials will need to be substantially coarser than current bed materials to resist scour and mobilization.

In order to model proposed hydraulic conditions and accurately size bed material, riffles and pools were graded into the terrain using MicroStation. While the average slope through the proposed fish passage structure is approximately 3 percent, riffle slopes in the structure are as high as 6 percent (**Appendix D**). Cross sections in the model were taken through three riffles and three pools within the structure, and average main channel shear stresses were estimated. The largest average shear stress of the three riffle sections and the largest average shear stress of the three pool sections were used for sediment sizing calculations.

PHD plans (**Appendix D**) currently show some riffles upstream of the structure steeper than 6 percent. These will be adjusted for the FHD and will likely be changed to step-pools instead of riffle-pools; thus, hydraulics in the upstream reach were not used for sediment sizing.

Updated 2024 existing stream survey was included in this phase of the modeling. A MicroStation InRoads corridor model was created with the typical cross sections at riffles and pools carving the proposed channel and benches. Channel meandering within the proposed alignment will provide increased habitat diversity. These meanders will be maintained through construction of meander bars and placed LWM that will enhance the instream channel diversity and encourage the stream to self-maintain this habitat over its design life. Step-pools will be incorporated upstream of the Juanita crossing in the next phase of design, as the current riffle slopes are undesirably steep for the system. Additional focus will also be placed on the existing abandoned channel's connections through the right bank log jam and the step-pools. This focus will prevent the abandoned existing channel's design from becoming a fish barrier.

The proposed typical cross sections create a low-flow channel with steeper 8H:1V slope on the riffle and "v" shaped pool cross sections. These changes will connect habitat features so the project does not produce a low-flow barrier. Additional input directed by the engineer in the field will be needed to ensure this low-flow channel is built. **Figure 4-3** illustrates the proposed channel section.

- 7/30/2024 - PHD comments were received from WSDOT. No comments were received on the decision to move from riffle pool to step pool in the upstream reach. No comments were received from WDFW or the Tribes as provided by article 2.30.7.3.1.

2.30.7.3.1 *Preliminary Hydraulic Design Report*

For each fish passage being replaced, the Design-Builder shall submit a PHD to WSDOT for Review and Comment. After WSDOT's comments are addressed by the Design-Builder, WSDOT will submit the PHD to the Tribe(s) and WDFW for Review and Comment. The Design-Builder shall address the comments of the Tribe(s) and WDFW.

Despite this requirement, AECOM understands that WSDOT did not submit plans to WDFW until 6/27/2025, nearly a year later. (See response to RFI #559).

- 1/24/2025 - AECOM submitted FHD to Skanska. Step-pools were clearly defined in the plans and FHD.
- 2/20/2025 - AECOM received WSDOT comments including Muckleshoot Indian Tribe comments on the FHD indicate support for step-pool design throughout the design reach

211	Pg. 35-36, Sec. 4.3.2.5 Step-Pools	MIT		Step-pool design - We support the creation of step-pools throughout the design reach to enhance fish passage conditions. To maintain continuity, this approach should be extended through the crossing to ensure consistent hydraulic and habitat functions. Rather than using coir sacks filled with rock, we recommend incorporating more natural and sustainable materials, such as wood. Coir fabric is prone to degradation over time, leading to the dispersal of contained gravels downstream. While some spawning gravel augmentation can be beneficial, this method does not provide long-term stability for maintaining the step-pool system. In contrast, wood—particularly when submerged in the wetted channel environment—can persist for decades, often outlasting the life span of the crossing structure. Each pool should include a gravel tail-out that transitions into a riffle, ensuring a natural progression for fish passage. The current design, which combines coir sacks with an outlet spilling onto large rock below the logs, does not align well with the typical features fish use for upstream migration. To facilitate effective passage, pools should maintain spill-over scour, creating adequate depth for fish to generate momentum as they navigate each step. Additionally, to meet WDFW fish passage criteria (WDFW 2019), the vertical drop at each step should not exceed approximately 8 inches. By utilizing natural materials such as wood, the step-pool system can be maintained more effectively, ensuring long-term habitat function and reliable fish passage.
212	Pg. 38 Sec. 4.3.2.6	MIT		Deformable Grade Control - Deformable Grade Control (DGC) has been shown to enhance

- **Concurrence meetings** with Gabe Ng, Alex Strom (WSDOT) were hosted by Yacoub Raheem on 2/28/2025, 3/5/2025, 3/21/2025, 3/27/2025, 6/16/2025, 6/27/2025.
  - 2/28/2025 Meeting: discussed constraints of the system and why we have gone to the design that we did. WSDOT expressed concern about step-pools in a system without naturally occurring step pools; however, the path forward that was agreed upon was to call the reference reach a “design reference reach” (which is appropriate in “highly modified systems,” which WSDOT agreed Juanita Creek was considered because of the presence of the detention pond), remove boulders and replace them with slash and wood so the steps would be more deformable, and to change Table 2.30B from riffle pool to step pool. Both Alex Strom and Gabe Ng from WSDOT provided this direction.
  - 3/5/2025 Meeting: Alex Strom and Gabe Ng from WSDOT agreed that replacing the boulders with more logs and otherwise keeping the design as is, was the right path forward. They also requested additional calculations and documentation to be provided in the FHD to support the design.
  - 3/21/2025 Meeting: WSDOT’s Gabe Ng stated that the ideal design would chase further upstream at a more relaxed slope. AECOM pointed out that this is not possible due to permit and property owner constraints. WSDOT commented that if step-pools were kept, they would degrade over time and would be over-engineered.
  - 3/27/2025 Meeting: This meeting primarily focused on deformable grade control, streambed material design, and eliminating step-pools within the crossing. Discussed grading downstream at Juanita.
  - 6/16/2025 Meeting: WSDOT stated again the system was over-engineered, should give the stream the material it needs to build itself. Alex indicated that the design does not allow for natural regrade. Gabe indicated WDFW would likely push back on this design because he thought it did not follow stream simulation.
  - 6/27/2025 Meeting: Gabe requested official review from WDFW, tribes, and to set up a meeting with co-managers because we are out of contract. Alex was to check with Alicia Toney to coordinate.

- **Task Force Meeting Minutes from 4/22/2025** indicate AECOM working with WSDOT to discuss change in morphology from riffle pools to step pools.

Stream / Hydraulics

No.	Mtg Origin	Title	Assignment	Due Date	Priority	Status
2.1	28	Juanita Creek Stream Design				Open

Description

- DBIC for morphology change
- Juanita Creek Maintenance Access

Official Documented Meeting Minutes

- PHD included note that tribe was onsite with WDFW December 2019. Comment response to note to this statement for closure.
  - ACTION: WSDOT to look if any paper evidence that tribe representation was present on site.
- Riffle pool channel morphology in technical requirements. Design currently has riffle pool and step pools.
  - ACTION: Design to discuss with WSDOT hydrology
  - Included in FHD, has been sent to the tribes.
- Juanita Creek Maintenance Access:
  - ACTION: WSDOT to send response to Design team.
- WSDOT comment received regarding basis of design of High Woodland detention pond. Request for report from City of Kirkland.
  - ACTION: City of Kirkland to provide operations and maintenance manual which includes some of the basis of design.

- **Task Force Meeting Minutes from 5/20/2025** indicate that WSDOT should provide clarification on if changing table 2.30 would require a DBIC, will not impact permits

Stream / Hydraulics

No.	Mtg Origin	Title	Assignment	Due Date	Priority	Status
2.1	28	Juanita Creek Stream Design				Open

Description

- DBIC for morphology change
- Juanita Creek Maintenance Access

Official Documented Meeting Minutes

- Morphology Change:
  - Step pools in the stream design.
  - ACTION: WSDOT to provide clarification if this would require a DBIC
  - Will not impact permits.
- Design to share OTS with WSDOT while routing to RFC.

- 3/12/2025 - AECOM received all FHD Review Comments Summary and Resolution (“RCSR”) comments including from the Tribes. The Tribes agreed with the design approach as submitted.
- 4/11/2025 - AECOM submitted responses to Tribe RCSR comments.
- 5/2/2025 - AECOM submitted RSCR forms and review checklist responses.
- 5/12/2025 - WSDOT requested over the shoulder documents to facilitate reviewer backcheck
- 6/5/2025 - AECOM provided over the shoulder documents to facilitate reviewer backcheck.
- AECOM followed up with WSDOT consultant team on 7/23/25, 7/25/25 via email, at task force meetings and at all concurrence meeting asking for reviewer backcheck responses.
- On 7/14/2025, AECOM submitted responses to first set of WDFW questions.

- **First WDFW meeting 7/25/2025.** WDFW was concerned with pool spacing, turbulence, sizing. WDFW indicated WSDOT PHD does not meet WAC Code or stream simulation. WDFW action to review question responses before next meeting.
- Follow up meeting with WDFW set for 8/14/2025 (by Alicia Toney). This was moved to 8/21/2025 to allow for internal coordination (by Alicia Toney).
- On 8/15/2025, AECOM submitted responses to second set of WDFW questions.
- On 8/28/2025, AECOM received WSDOT reviewer backcheck responses (10 weeks after providing our responses on 6/5/2025) and most responses were set to "C", requesting clarifications that had already been provided on 6/5/2025.
- 8/26/2025 and 8/29/2025 WSDOT and AECOM met to discuss a path forward. Discussed design alternatives including more deformable steps, over steepened riffles, plain bed, or extending upstream with shallower slopes. Extending upstream was eliminated from being an option based on property lines.
- During the 8/29/2025 meeting, there was a discussion about possibly reverting back to riffle-pool system in the upstream reach and grading further upstream to flatten out slopes. Since that proposed design is closer to the PHD design, it does not meet the same contractual requirements that the WSDOT PHD didn't meet; PHD: the proposed bed material is more than 20% (max.) coarser than existing and the 1.25% slope ratio is not met. There was the discussion of decreasing sediment size to be closer to the WSDOT PHD (D50=3-4", with the agreement that riffles would be designed more stable, similar to deformable grade control, with slash and wood), but this still not small enough sediment size to meet the contract requirement.
- On 9/2/2025, WSDOT (Alicia Toney) moved the WDFW meeting back to 9/9/2025 to allow for "additional internal coordination".
- On 9/9/2025, WSDOT (Alicia Toney) moved the WDFW meeting back to 9/15/2025 due to a WDFW schedule conflict.
- On 9/12/2025 WSDOT sent Skanska the Juanita Creek Direction letter, which Skanska forwarded to AECOM and is the subject of this protest.
- **Second WDFW meeting** on 9/15/2025, where AECOM walked WDFW through the design methodology. WDFW asked about responses to their second round of questions, to which WSDOT stated that they have them, but did not forward them to WDFW. AECOM started to walk through the responses and WSDOT interrupted this process and ended the meeting. WSDOT stated they would provide AECOM's responses to WDFW's second round of questions. To date, AECOM has not received feedback from WDFW on their response to these comments.
- 9/23/2025 - Meeting with WSDOT, Skanska, and AECOM to discuss a technical path forward regarding this issue. AECOM is hopeful that the parties can agree on the required contract changes, obviating the need for this protest to proceed.
- 9/25/2025 - To comply with contractual deadlines, AECOM responded to the Juanita Creek Direction letter with a Notice of Protest/Request for Change letter.

c. The estimated dollar cost, if any, of the protested Work and a detailed breakdown showing how that estimate was determined.

The final cost of the protested work cannot be estimated at this time as resolution of this issue has yet to be determined. AECOM has requested additional time to evaluate the impact of this issue. As mentioned above, WSDOT, Skanska and AECOM met on 9/23/25 and began discussions to develop a technical path forward. Once the design criteria for Juanita Creek is finalized, AECOM will develop the estimated dollar cost to modify the design to meet the updated design criteria.

d. An analysis of the progress schedule showing the schedule change or disruption if the Design-Builder is asserting a schedule change or disruption.

The schedule change caused by the protested work cannot be estimated at this time as resolution of this issue has yet to be determined. AECOM has requested additional time to evaluate the impact of this issue. As mentioned above, WSDOT, Skanska and AECOM met on 9/23/25 and began discussions to

develop a technical path forward. Once the design criteria for Juanita Creek are finalized, AECOM will develop a schedule for the design revisions. This design may be worked concurrently with other contractual design plan sets and could cause delay to other contractual design submittals as well as delay to responses and deliverables supporting engineering services during construction. Upon completion, the DB Team will finalize this request to reflect schedule delay, corresponding cost and a request for a time extension.

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.

I appreciate your prompt attention to this matter. If you have any questions, please do not hesitate to contact me directly.

Yours sincerely,

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