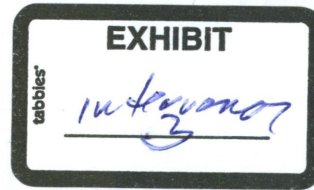


STATE OF NORTH DAKOTA        )  
  ) SS.  
COUNTY OF WILLIAMS         )



Evan Whiteford, being duly sworn under oath, hereby states as follows:

I give this affidavit based on my personal observation of construction work on two Boyd & Company pipeline construction projects: one located near Highway 1804 in and around Ray, ND (Williams County); and another in the vicinity of 46<sup>th</sup> Street NW and 90<sup>th</sup> Avenue NW in New Town, ND (Mountrail County). I observed the projects on dozens of occasions while they were under construction in late 2014. I continued to monitor the condition of the right-of-ways during 2015 after the projects were apparently completed.

My observation of the pipeline projects was informed by an extensive knowledge of pipeline construction techniques that was acquired during a roughly nine-year career as a pipeline laborer, foreman, and union steward working on pipeline projects across the United States. I have completed more than 20,000 hours of work and 280 hours of skills training since I began my pipelining career in 2007. My employers included top contractors in the pipeline industry who put me on projects that ranged from 42-inch mainlines to small gathering lines and well-site connections. My work and training have given me a working knowledge of all major aspects of pipeline construction, including environmental controls, coating, locating, lowering-in, tie-in, testing, and clean-up. My current position as a Marketing Representative for the Laborers Union's Great Lakes Regional Organizing Committee, which I have held since January 2015, affords me additional opportunities to observe pipeline construction work.

## **Williams County Project**

I had the opportunity to observe the Williams County project and right-of-way on a regular basis because it ran near my residence and I frequently passed it going to and from the yard where I worked in Tioga. I knew that Boyd was the contractor on the project because I regularly saw the company's logo on trucks onsite. Based on my observation of the system, it appeared to serve oil wells operated by ExxonMobil subsidiary XTO.

On multiple occasions, I saw evidence of substandard construction work and substandard safety practices on Boyd's Williams County project. First, the company failed to properly strip and segregate topsoil – a work practice that is essential to proper restoration of natural vegetation and preservation of cultivation potential. It was evident that, rather than stripping and segregating topsoil across the full width of the right-of-way, Boyd's crews had taken a single pass with a motor grader – protecting what I estimate to be no more than 10 feet of a 50- to 80-foot-wide right-of-way. The subsoil from the ditch was also allowed to mix with topsoil, making it virtually impossible for Boyd to properly restore even the narrow strip of topsoil that had been preserved on the ditch line.

Boyd's failure to properly segregate and replace topsoil, and to implement other basic environmental controls, is evident in the final product. Based on my observations, re-growth of vegetation is minimal and the right-of-way, which should be invisible, can be clearly seen. A year later, the right-of-way was strewn with bare patches as well as large rocks that were not properly removed or buried. In all, I observed roughly 15 miles of right-of-way on the project where conditions were substantially similar and poor.

Second, in addition to substandard construction, I also witnessed multiple safety issues on the Williams County project. On more than one occasion, I saw crews working with heavy equipment under power lines without using a spotter – a practice that can increase the risk of damage to infrastructure, and injury or even death for workers. Another time, I saw the crew bring an excavator across 109<sup>th</sup> Avenue without using flaggers to protect workers and motorists from a potential collision. I also witnessed a member of the crew working alone on sandblasting and coating – an unacceptable practice because there would be no assistance in an emergency.

### **Mountrail County Project**

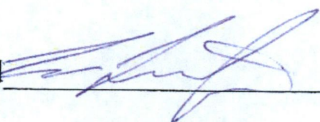
I had the opportunity to observe the Mountrail County project and right-of-way on many occasions because it ran across a section of state land near 46<sup>th</sup> Street NW and 90<sup>th</sup> Avenue NW in New Town where I regularly hunt. I knew that Boyd was the contractor on the project because I spoke to a Boyd foreman who approached me one day when I got out of work early and had gone hunting. I asked the foreman whether the rolled pipe material he was using was FlexSteel Pipe, but he said that the material they were using was FiberSpar – a fiberglass composite material that has drawn attention following a couple of major spills involving FiberSpar pipe. I remember the conversation because it was the first time I had seen or heard about FiberSpar. Based on my investigations, I believe the system was built to serve oil wells operated by Whiting Petroleum.

The construction practices and right-of-way conditions that I observed on Boyd's Mountrail County project were very similar to those I saw on the Williams County project, described above. The company had again failed to properly strip and segregate topsoil, apparently taking a single roughly 10-foot pass with a motor grader rather than stripping the full width of the right-of-way, and then allowing the topsoil to get mixed in with subsoil. The end result was also very similar with evident

damage to state lands resulting from the destruction of native vegetation, bare patches, and rocks scattered down the right-of-way. In all, I observed roughly six or eight miles of right-of-way on the project where conditions were substantially similar, and very poor.

The above is true and correct to the best of my knowledge.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Signed 

Subscribed and sworn to before me  
this 4<sup>th</sup> day of FEBRUARY, 2016.

Notary Public 