

## **AFFIDAVIT OF BETTY B. WERNER**

I, Betty B. Werner, declare and state as follows:

1. I am of legal age and competent to give this declaration. All information is based on my personal knowledge unless otherwise indicated.
2. I live at 513 Parkview Drive, Rocky Mount, Virginia 24151.
3. I am the co-owner of a farm consisting of approximately 58.6 acres known as Four Corners Farm in Franklin County.
4. I have been monitoring the construction activity for the Mountain Valley Pipeline, and documenting violations of the terms of the 401 Certification and impacts to Teels Creek and Little Creek and the unnamed tributaries to these streams.
5. Teels Creek flows into Little Creek on Four Corners Farm. The Mountain Valley Pipeline will cross Teels Creek for the 7th (seventh) time on Four Corners Farm just upstream of the convergence with Little Creek. After crossing what was our farm pasture and a significant wetland, the Mountain Valley Pipeline also crosses Little Creek on our Farm.
6. I have been monitoring the pipeline route from mile-marker 261.4 to mile-marker 262.8 regularly and frequently. The 262.8 marker is the point at which the pipeline is proposed to cross Little Creek.
7. The photographs attested to here show stream scour conditions and impacts to Four Corners Farm that were not considered or analyzed by any reviewing

agency despite concerns raised by the public during the various regulatory processes, including the 401 Certification process.

8. The photographs in this declaration also show the continuing failure of the erosion and sediment control measures to prevent soil from leaving the right of way and enter stream channels.
9. Teels Creek is crossed 7 times by the Mountain Valley Pipeline in rolling terrain in the foothills of the Blue Ridge Mountains. The last of the 7 crossings, before Teels Creek flows into Little Creek, is on Four Corners Farm. I do not know how many tributaries to Teels Creek also are crossed.
10. The stream flow in Teels Creek has increased dramatically since the pipeline construction started in 2018.
11. My family and I watch our farmland wash away with each rain event due to the high volume and flow rate in the creeks.
12. On November 15, 2018, I discovered that water was gushing out of the bank of Little Creek. See Exhibits A, B, and C. It was the sound of the water that got my attention.
13. The pipeline corridor runs roughly parallel to the course of Little Creek through our pasture. The area of the pasture that is adjacent to the gushing water is a large wetland that has not been trenched. The wetland is fed by a flowing spring.

14. The pipe is strung on the ground upslope from the wetland but the trenching has not been dug for this section of the pipe. The only part of the ground that has been prepared by removing the vegetation and bulldozing is upslope from the pipe on top of the ground. There is quite a bit more earthmoving to be done to bury that section of pipe. I fear impacts when the additional earthmoving is done.
15. Before pipeline construction started, the wetland captured and retained the spring water flow. The wetland has been damaged so that it no longer serves the function of retaining the spring water flow. In addition, the site clearing has caused a ponding effect and some of the water that pools on the pipeline corridor flows from the site in the direction of the water flow toward the gusher in the creek bank. The photographs in Exhibits D-H show the condition.
16. Before construction started, the fencing in Exhibit C was at least six feet from the bank of Little Creek. The creek is scouring our land away like no other time in our ownership of the property.
17. As of February 23, 2019, the gusher, which had a pipe effect through the stream bank, has eroded the bank to a full ditch condition with the sides of the bank collapsing around the ditch.
18. Comparing Exhibit C to Exhibit H, the fence will soon collapse into the creek. It would be only a matter of time before the pipeline itself would be at risk.

19. About a tenth of a mile downstream of the newly formed drainage ditch that started as the gusher, there is a temporary bridge across Little Creek at the location where the pipeline is proposed to cross the creek. MVP has been unable to control the runoff from the site at the bridge crossing.
20. Sediment-laden water flows toward the upstream side of the bridge, then flows under the bridge and comes out on the downstream side of the bridge.
21. MVP contractors have tried to control the runoff but it seems impossible to stop it from reaching Little Creek. Exhibits I-M show the conditions in captioned photographs.
22. There also is a bridge over Teels Creek where the pipeline is proposed to cross. I have been measuring the distance between the boundary of the work space and the creek bank since the boundary for the workspace was staked. The distance between the boundary of the workspace and the creek bank has decreased variably between three and six feet across the stretch of the bank that aligns with the workspace, meaning that between three and six feet of the bank of Teels Creek has eroded.
23. I have regularly monitored the corridor upstream along Teels Creek.
24. Across Teels Creek the terrain is hilly. MVP contractors have constructed water bars with temporary sediment traps at the end of the water bars. The traps vary in size.

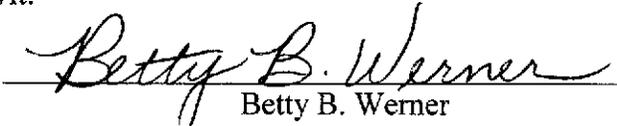
25. I have seen locations where sediment has flowed from the construction corridor through wooded areas and entered unnamed tributaries to Teels Creek and to Teels Creek itself.
26. The photographs in Exhibits N through T show the continuing failure of the attempts to control the runoff from the construction corridor. There is always a receiving water body at the other end of the sediment flows in these photographs.
27. I monitor only a short segment of the pipeline corridor in an area that is not easily hiked or readily visible.
28. On February 26, 2019, MVP contractors carpeted the corridor on our property with erosion control pellets that were recklessly dropped by helicopter.
29. Upon information and belief, the erosion control pellets are made of genetically modified corn and other waste cellulose materials that contain carcinogenic glyphosate residues.
30. Upon information and belief, the erosion control pellets are coated with a glue-like chemical compound called acrylamide. Acrylamide is documented to have toxic and carcinogenic effects.
31. MVP apparently has resorted to this attempted control method even though the use of toxic and carcinogenic compounds was not analyzed in the environmental documents.

32. The use of toxic and carcinogenic compounds to control runoff was not disclosed the public or to the State Water Control Board in either the FERC EIS or in the 401 Certification process.
33. Our farm had been continually operated without the use of chemicals, herbicides and pesticides for over 20 years and we had been pursuing organic certification status.
34. We had no notice that our farm would be polluted by the air with toxic and carcinogenic compounds. When we complained to MVP lawyers, the lawyers told us that they were tired of hearing from Four Corners Farm.
35. The photographs in Exhibits U through W show the pellets dropped on our farm.

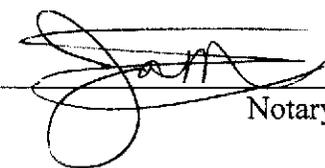
COMMONWEALTH OF VIRGINIA:

CITY/COUNTY OF Franklin, to-wit:

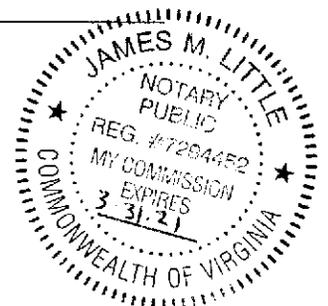
I, Betty B. Werner, being first duly sworn, make oath and say that the foregoing statements are true and correct to the best of my knowledge, information, and belief, and that I took the photographs exhibited to this affidavit.

  
Betty B. Werner

SWORN AND SUBSCRIBED before me, a Notary Public for the state of Virginia this 27th day of February, 2019.

  
Notary Public

My commission expires: March 31, 2021



# East Elevation

📍 287°W (T) LAT: 37.057373 LON: -79.914696 ±5m ▲ 312m



EXHIBIT A – Water gushing out of bank of Little Creek on Four Corners Farm, November 24, 2018. The gusher was discovered on November 15, 2018.

# West Elevation

☀ 77°E (T) LAT: 37.057407 LON: -79.915039 ±5m ▲ 311m



EXHIBIT B – Sediment-laden stormwater that was flowing out the gusher on the creek bank when the gusher was discovered on November 15, 2018. The black matting against the tree washed off the corridor and is a point of reference in these photos.

# East Elevation

📍 291°W (T) LAT: 37.057247 LON: -79.914688 ±5m ▲ 319m



EXHIBIT C – Water gushing out of bank of Little Creek. Note the location of the cattle fence on the creek bank. Black matting against the tree and pipe on ground in background.



EXHIBIT D – Water flow from corridor toward Little Creek. The water that had been gushing from a hole is now eroding the creek bank.



Exhibit E – Same location as in Exhibit D, two days later, after 2.5 inches of rain. The drainage into the creek is collapsing. The fence wire is visible on the left.



EXHIBIT F – A close-up view of the gusher eroding the creek bank on February 23, 2019. Notice the fence wire.

# East Elevation

📍 272°W (T) LAT: 37.057747 LON: -79.914085 ±5m ▲ 310m



EXHIBIT G – The upstream side of the bridge over Little Creek. Muddy water flows under the bridge and out the downstream side of the bridge before entering the creek, seen in Exhibit H.

# North Elevation

📍 192°S (T) LAT: 37.057701 LON: -79.914017 ±5m ▲ 312m



EXHIBIT H – The downstream side of the bridge over Little Creek. Muddy water flowing from the upstream side of the bridge, and under the bridge and into Little Creek with the creek almost full.

# North Elevation

📍 185°S (T) LAT: 37.057823 LON: -79.913956 ±10m ▲ 336m



EXHIBIT I – The downstream side of the bridge over Little Creek which is the same location as Exhibit H above. The creek bottom which used to be rocky is covered in sediment. Sediment is piled on the banks. The erosion control sock had been recently installed when this photo was taken on February 1, 2019.

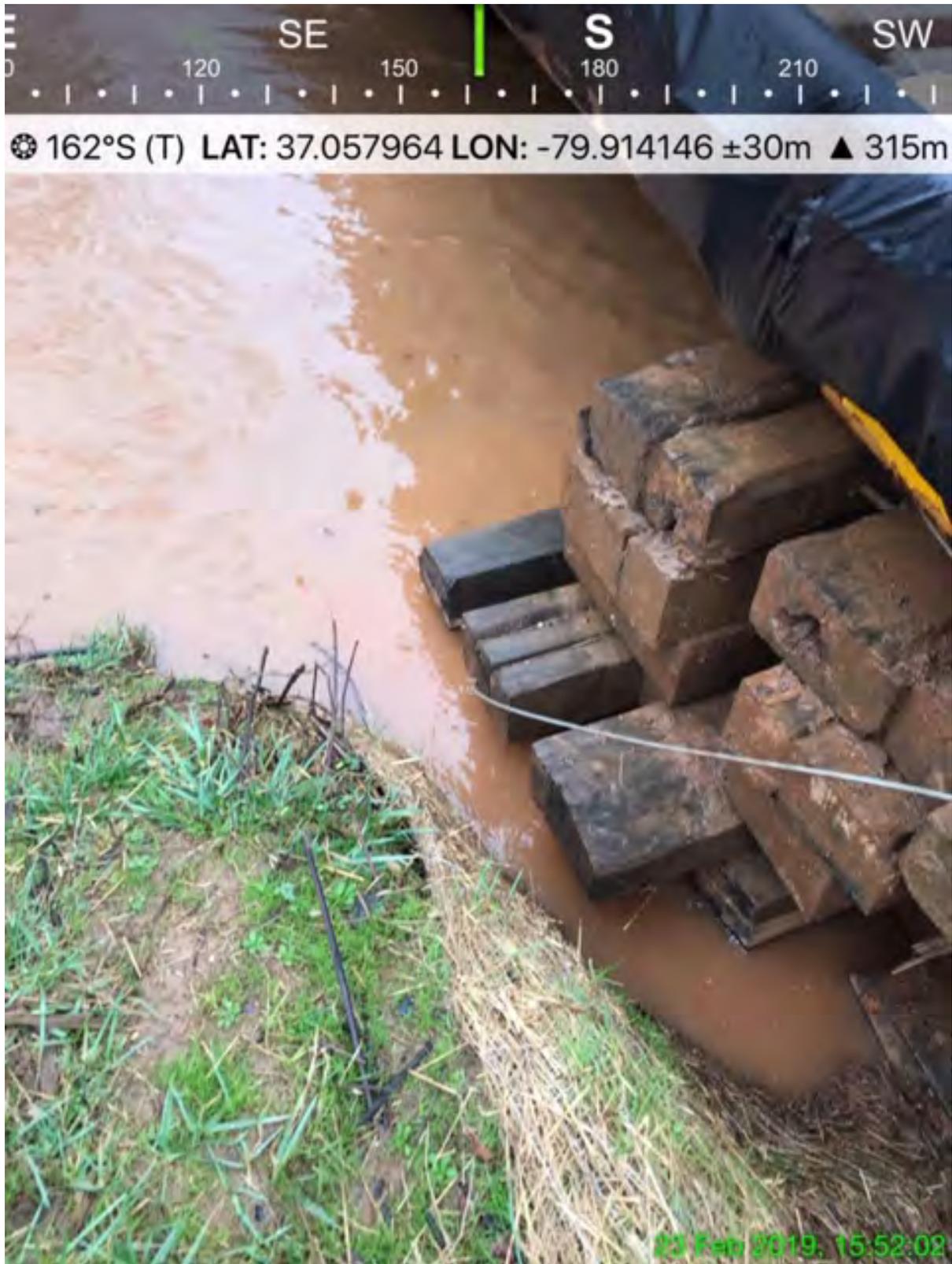


EXHIBIT J – The downstream side of the bridge across Little Creek on February 23, 2019. This is the same location as in Exhibits H and I.



EXHIBIT K – The upstream side of the bridge over Little Creek on February 23, 2019. This is the same location as Exhibit G.



☉ 91°E (T) LAT: 37.060341 LON: -79.920708 ±30m ▲ 316m



23 Feb 2019, 16:44:36

IMG 3705



☉ 90°E (T) LAT: 37.059608 LON: -79.920776 ±5m ▲ 317m



23 Feb 2019, 16:37:19



☉ 85°E (T) LAT: 37.059608 LON: -79.920776 ±10m ▲ 318m



23 Feb 2019, 16:57:12



☉ 6°N (T) LAT: 37.059383 LON: -79.920815 ±5m ▲ 326m



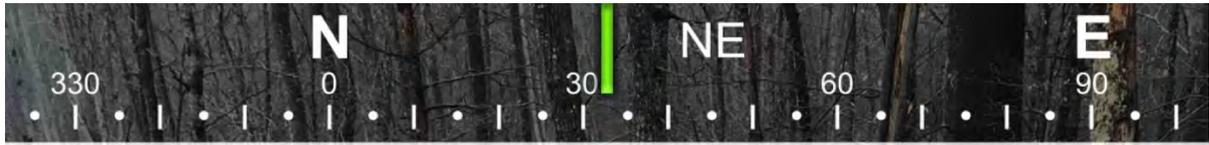
23 Feb 2019, 16:35:19



☉ 28°NE (T) LAT: 37.059380 LON: -79.920830 ±5m ▲ 326m



23 Feb 2019, 16:33:23



☉ 33°NE (T) LAT: 37.059132 LON: -79.920837 ±5m ▲ 330m

