

and road haul plans. Going forward, I expect to be an on-site field manager responsible for overseeing the construction activities for the Project.

3. In my role as a field manager, I also was involved in the entire soil borings process by the Project, which has included 535 soil boring samples taken to date. In that role, I had daily contact with the site superintendent for the Project's soil boring contractor Braun Intertech ("Braun") regarding what work was being performed, any access and landowner questions, and any other issues that might arise. I also communicated daily with Braun's site superintendent regarding monitoring adherence to the Project's SCN mitigation plan. I also regularly observed the field boring crews in the fields performing their work.

4. I am offering this affidavit in response to the Affidavit of Gerald Pesall dated August 25, 2015. I have reviewed Gerald Pesall's affidavit. In his affidavit, Gerald Pesall indicated that he observed a contractor from the Project which he claims did not remove the dirt when traveling from certain fields. Attached to Gerald Pesall's affidavit were two pictures.

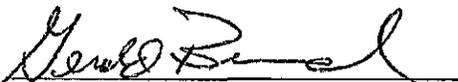
5. The contractor depicted in the pictures is Braun. I was involved both in the educating of Braun regarding mitigating the spread of SCN, and the mitigation protocol developed by Braun to prevent the spread of SCN during the soil boring. Attached as Exhibit B is Braun's SCN mitigation summary.

6. I also personally observed the Braun contractors in the field several times. Based upon my firsthand observations, Braun was very diligent in removing soil before exiting fields which either had tested positive for SCN or had not yet been tested for SCN. Braun did not clean the equipment before entering fields because, when SCN was present, the equipment was always cleaned before exiting the previous field. Because the equipment was already cleaned, there was

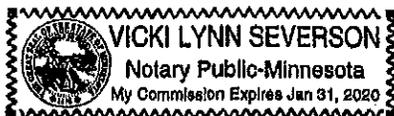
no need to reclean the equipment before entering the next field. Based on my observations, Braun fully complied with its mitigation protocol during soil boring.

7. After receiving Gerald Pesall's affidavit, I was also able to confirm through counsel the location of the parcels of land depicted in the pictures attached to Gerald Pesall's affidavit. The land in the pictures is not Gerald Pesall's land. Although the pictures do not indicate whether the equipment is exiting the field, and thus needed to be cleaned, I wanted to confirm that Braun was complying with its SCN mitigation protocol on those parcels. I have since confirmed that Braun complied with the SCN mitigation protocol with the specific parcels of land depicted in Gerald Pesall's affidavit.

Dated this 28 day of August, 2015.


Gerald Bermel

Subscribed and sworn to before me this 28th day of August, 2015.




Notary Public
My Commission Expires: Jan. 31, 2020