



SALTED LANDS COUNCIL



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Dear Sirs and Madam,

As a courtesy, I forward a letter sent today by Paul Neilan, Secretary-Treasurer of our North Dakota educational nonprofit, the Salt Contaminated Land and Water Council (a 501(c)(3)).

I also introduce our Founder and President, third-generation McKenzie County rancher and farmer Donald Nelson, and our Data Scientist, Gary Swick. Their report is also attached. I have also copied our board members.

For more than 80 years of booms and busts in the North Dakota portion of the Williston Basin, some oil and gas developers have repeatedly abandoned their equipment and roads, and left thousands of acres of land in a chemical coma. The result? Radically diminished agricultural productivity and the erosion of creditworthiness of tract after tract of contaminated private property. For a short, silent video, a visualization of our problem, see:

www.revivethedeadlands.org
www.saltedlands.org

Developers, large and small, have never lacked dexterity when seeking to evade their Asset Retirement Obligations (AROs). (Attached is our understanding of your duties for AROs, obligations by law, that we are sure are familiar to you.) The most successful of these offenders have an extensive history of transferring depleted assets to under-capitalized affiliates, selling said affiliates, and then leaving the scene of the ARO while the sold-off companies declare bankruptcy (McCormick et al. v. HRM Resources,

LLC et al.). The sequence of transfers and sell-offs end in burdening the farmer, rancher, and taxpayer. Thus, landowners and state governments are left holding the ARO burden. Historically, oil and gas companies have succeeded in using this technique, but that owes less to the cleverness of the ruse than to:

- (1) The state's failure to enforce the statutes, laws, and rules requiring protection of the surface estate,
- (2) Failure to disclose AROs, and
- (3) Failure to zealously pursue transfers of assets in fraud of creditors.

As in past boom-bust cycles, our state officials – who are trustees of the surface estate's productivity – have failed to require hold back funds to satisfy AROs.

There can be a winning opportunity here for both Hess and Chevron. By getting out in front of this, setting aside required funds to remediate lands according to ARO rules, Hess-Chevron can win by demonstrating that it plans on being a good community neighbor and corporate partner within the State of North Dakota, and agree in advance to creating a fund that will remediate oil well sites where assets it has acquired currently reside.

Our concern is that the \$53 billion Hess–Chevron merger is another oil company delay in confronting the problem, what Chief Counsel of Burlington-Conoco Phillips, Brent Johansen, acknowledges as the industry's problem. I understand his honesty as follows: Frac wells have a short life span, and a substantial footprint. I take his suggestion to be that our council, scientists, ranchers, and farmers should take this opportunity to deal with this problem without acrimony. We have no aspiration to embarrass Chevron. However, this merger threatens to leave North Dakota, its surface owners and its taxpayers exposed to \$2.61 billion to \$5.2 billion of Hess' AROs.

We ask that you, and the key decision-makers you serve, carefully review and respond to Paul Neilan's letter and carefully read Data Scientist, Gary Swick's analysis of the Nelson family's problem with so many, many Hess wells drilled during the past 70 years.

We trust and hope that this opportunity will not be wasted, and Hess-Chevron endeavor with us to devise a way forward.

Sincerely yours,



Fintan L. Dooley
Executive Director
Salt Contaminated Land and Water Council

Cc: Paul Neilan
Paul Sorum
Donny Nelson
Gary Swick

Enc. Paul Neilan Letter to SEC, FTC, Hess, Chevron, and Exxon
Report by Gary Swick, Data Scientist, on Hess' ARO
Fintan Dooley Memo referencing Rules Related to AROs (See 4A.)