

**Petitioner's Exhibit 28**

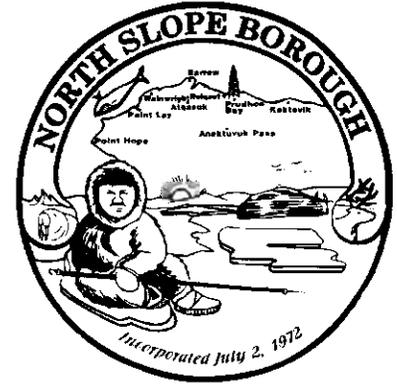
# NORTH SLOPE BOROUGH PLANNING DEPARTMENT

P.O. Box 69  
Barrow, Alaska 99723

Phone: (907) 852-2611  
(907) 852-0320

Fax: (907) 852-0322

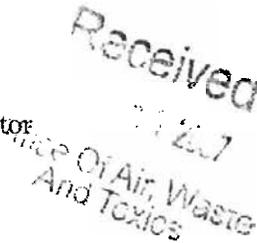
Johnny L. Aiken, Director



May 23, 2007

Richard Albright  
EPA Region 10, Director, OAWT  
Office of Air, Waste and Toxics (AWT-107)  
1200 Sixth Avenue  
Seattle, WA 98101

Elin Miller  
EPA Region 10  
Regional Administrator  
1200 Sixth Avenue  
Seattle, WA 98101



**Re: EPA's Denial of Request to Change Public Hearing and Comment Schedule for Shell Offshore Inc. OCS to Respect Spring Subsistence Harvest**

Dear Mr. Albright and Ms. Miller,

The North Slope Borough (NSB) received the Environmental Protection Agency's (EPA's) letter of May 8, 2007 denying the NSB's request to schedule the Shell Offshore air quality permit public hearing until the week of June 4, 2007. The NSB had made this request to avoid conflict with our traditional spring subsistence harvest. The NSB was disappointed in EPA's decision. Scheduling public hearings in Native communities during important subsistence periods does not provide an opportunity for meaningful public participation, nor does it fulfill public participation obligations under the Clean Air Act or EPA's Environmental Justice Obligations.

The spring harvest has been conducted for thousands of years. EPA has worked on North Slope oil and gas projects for decades. The NSB has repeatedly requested industry and agencies not to schedule important public hearings at this critical time to show respect for our Native traditions and for our need to feed our families with traditional subsistence food. Otherwise our hunters are forced to make an impossible choice: gather food to feed our families or stay at home to attend public hearings to protect our families from the health consequences of industrial pollution. The opportunity for public participation will not be meaningful unless it takes into account such seasonal and cultural priorities.

In March 2007, the NSB actively worked with both the federal and state agencies to ensure that public meetings on the Shell project would be conducted in early April to avoid a conflict with spring subsistence activities. NSB encouraged EPA's air permit staff to join the state in holding concurrent hearings the week of April 2, 2007. EPA declined, and instead set hearings for the week of May 7, a timeframe that is well known by state and federal agencies to directly conflict with the heart of spring subsistence activities.

On April 18 the NSB appealed to EPA to reschedule the hearings to the week of June 4. (The public comment deadline would be extended thereafter.) EPA denied this request, but only gave notice that the hearing would still be held on May 8, on the day of the hearing. The NSB learned the hearing would be going forward by phoning for news several days earlier, but since EPA's decision was so late, preparations for the hearing by the NSB and its residents were not able to adequately prepare for the hearing.

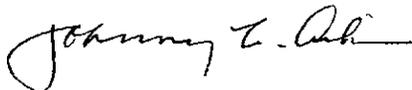
While May 8 was not an optimal time for the Nuiqsut residents, a number of people attended the hearing and expressed concerns about the impacts of industrial air pollution on their community. The NSB urges EPA to take the Nuiqsut residents' comments very seriously in its decision on the Shell air permit.

We look forward to working with EPA to set procedures whereby opportunities for public comment can be made meaningful through scheduling which accommodates the reasonable needs of the communities involved.

On May 11, 2007 the NSB submitted extensive written comments on the Shell Air Permits to EPA. Our comments conclude that EPA's draft permits for the Shell Exploration Project are not consistent with the Clean Air Act, state air quality laws and regulations, or EPA's Environmental Justice Obligations. The NSB requests that EPA work with the NSB, and tribes to address our significant concerns on this permitting action.

We look forward to hearing from you again.

Sincerely,



Johnny Aiken  
Director

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