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**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

)	
)	
)	OCS Appeal Nos.
In re:)	10-01, 10-02, 10-03
)	
Shell Gulf of Mexico, Inc.,)	
Permit No. R10OCS/PSD-AK-09-01;)	
)	
and)	
)	
Shell Offshore, Inc.,)	
Permit No. R10OCS/PSD-AK-2010-01)	
_____)	

**RESPONSE BY CENTER FOR BIOLOGICAL DIVERSITY
TO REQUEST BY SHELL GULF OF MEXICO, INC. AND SHELL
OFFSHORE, INC. FOR LEAVE TO PARTICIPATE AND
MOTION FOR EXPEDITED AND COMBINED REVIEW**

RESPONSE TO REQUEST AND MOTION

In response to long-anticipated petitions to the Environmental Appeals Board (“EAB”) for review of PSD permits issued by the Environmental Protection Agency (“EPA”) to Shell Gulf of Mexico, Inc. and Shell Offshore, Inc. (collectively, “Shell”) to conduct exploratory drilling operations in the Arctic, Shell has sought leave to participate and submit separate briefing in the permit review, and has also moved to combine the briefing process for both permits and to expedite the briefing schedule.

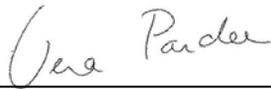
The Center for Biological Diversity (“Petitioner”) does not object to the participation of Shell in the review process, nor to combining the review of the two permits. However, Petitioner objects to any briefing schedule that precludes Petitioner’s ability to file a reply to Shell’s briefing. Shell’s request for leave to participate in this matter is premised on Shell’s assertion that it will present arguments different from and in addition to those made by EPA during the permitting process below. Thus, it is highly likely that Shell will raise issues not previously presented and that Petitioner could not address in its Petition for Review. A request to submit briefing that is separate and distinct from EPA’s briefs but that simultaneously precludes Petitioner from responding to those separate and distinct arguments is highly prejudicial to Petitioner.

The alleged prejudice to Shell that it cites in support of its proposed expedited schedule should not deprive Petitioner of the ability to file a reply. Shell clearly has anticipated the instant petitions for review, submitting the declarations attached to its motion to the EAB well before the petitions were even filed. Financial costs Shell is incurring during this review and while Petitioner replies to separate briefs Shell seeks permission to file are of Shell’s own making and under its own control. Shell cannot

claim both a right to raise separate issues in this matter *and* prejudice to its own interests allegedly arising out of Petitioner's reply to those issues. Moreover, Petitioner should be allowed sufficient time so it can meaningfully respond to the new arguments Shell seeks permission to make.

Thus, Petitioner respectfully requests that it be permitted to file a reply, separate from that provided by other petitioners, within 10 days of Shell's briefs.

Respectfully submitted this 5th of May, 2010,

A handwritten signature in cursive script that reads "Vera Pardee". The signature is written in dark ink and is positioned above a horizontal line.

Vera P. Pardee
Center for Biological Diversity
Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the instant Response to Request by Shell Gulf of Mexico and Shell Offshore for Leave to Participate and Motion for Expedited and Combined Review to be served by first-class mail and electronic mail upon:

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