

Attachment A

Subject: Re: EAB OCS Appeal Nos. 10-01 through 10-04: Seeking concurrence on EPA Request to Reschedule Oral Argument

From: Tanya Sanerib <tanya@crag.org>

Date: Mon, 26 Jul 2010 10:19:29 -0700

To: Smith.Kristi@epamail.epa.gov

CC: vpardee@biologicaldiversity.org, kbundy@biologicaldiversity.org, bc ummings@biologicaldiversity.org, chris@crag.org, egrafe@earthjustice.org, akoffice@earthjustice.org, ejorgensen@earthjustice.org, dsiler@crowell.com, smathiascheck@crowell.com, SBordelon@crowell.com, Vergeront.Julie@epamail.epa.gov, Matthews.Juliane@epamail.epa.gov

Hi Kristi --

Thank you for consulting with us on EPA's motion.

AEWC and ICAS consent to having the argument on September 9th but their counsel are unavailable any other day that week for argument and, therefore, cannot consent to having argument in this matter during any other day the first week in September. Counsel for AEWC and ICAS can be available for argument the week of September 20th and of September 27th if you wish inform the EAB about additional dates that will work for the parties.

Please let me know if you have any questions about our availability.

Sincerely,

Tanya

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Crag is a client-focused law center supporting community efforts to protect and sustain the Pacific Northwest's natural legacy.

Smith.Kristi@epamail.epa.gov wrote:

Counsel -

As you know, the EAB has set oral argument on August 17, 2010 for 3 issues in the Shell case -- 2 outer continental shelf (OCS) permitting issues and 1 environmental justice (EJ) issue. Our legal expert on the OCS issues is away on vacation August 14-29 and his Region 10 back-up on those issues also has a conflict the week of August 16th. In addition, EPA anticipates that it will need more than 3 weeks to fully vet a response to the specific issues the Board has raised regarding EJ. Accordingly, we intend to file a motion asking the Board to postpone the oral argument until the first week in September (Sept. 7-10). In accordance with the EAB Practice Manual, we are seeking your concurrence for this brief extension request. Please let me know by Monday (July 26) at 2:00 p.m. EST if you concur with this request, as we plan to file our motion on Monday afternoon.

- Kristi

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