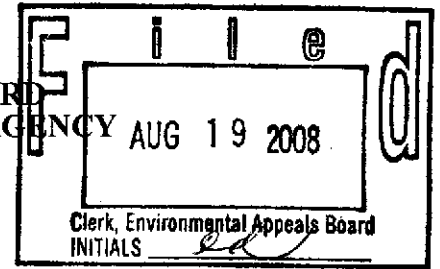


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re: )  
Shell Offshore, Inc. )  
Kulluk Drilling Unit )  
OCS Permit No. R10OCS-AK-07-01 )  
(Revised) )

OCS Appeal Nos. 08-01, 08-02, & 08-03

**ORDER REQUIRING CLARIFICATION**

By order dated August 18, 2008, this Board revised the briefing schedule in the above captioned matter. See Order Revising Briefing Schedule (Aug. 18, 2008) (“Order”). The Order sets the following deadlines: 1) Petitioners will have until September 4, 2008 to file any revisions to their respective petitions in light of documents contained in the Region’s certified index to the administrative record that were not previously made available to petitioners; (2) U.S. EPA Region 10 (the “Region”) and Shell Offshore Inc. (“SOI”) will have until October 6, 2008 to respond to the petitions for review and any revisions thereto; and (3) Petitioners will have until October 20, 2008 to file any responses.

Upon examination of the permit in dispute in this matter, the Board has determined that additional clarification is necessary. In particular, Petitioners, the Region, and SOI (collectively, the “parties”) are hereby ordered to provide clarification as to whether this matter is ripe for review. The Board notes that Condition 28 of the permit states as follows:

Effective Date. This permit shall not become effective until: 1) EPA has completed its consultation obligations required under the Endangered Species Act with respect to the polar bear and the Shell Kulluk Drilling Unit OCS Permit No. R10OCS-AK-07-01 (Revised) and 2) the Permittee has amended its application and/or the EPA has amended the OCS permit terms to address any alternatives, conservation measures,

reasonable and prudent measures, or terms and conditions deemed by the EPA to be appropriate as a result of the consultation.

Alaska Outer Continental Shelf Air Quality Control Minor Permit Approval to Construct at 24 of 27.

Under this provision, it appears to this Board that, following consultation under the applicable provisions of the Endangered Species Act, the conditions of the permit, including the disputed conditions, could change. The Board therefore seeks clarification from the parties as to whether this matter is ripe for review at the present time. The parties may submit their clarifications in compliance with the deadlines stated above, or at any time before these deadlines expire.

So ordered.

Dated: August 19, 2008

ENVIRONMENTAL APPEALS BOARD

By: Charles J. Sheehan  
Charles J. Sheehan  
Environmental Appeals Judge

## CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Requiring Clarification in the matter of Shell Offshore, Inc., OCS Appeal Nos. 08-01, 08-02, & 08-03, were sent to the following persons in the manner indicated:

### First Class Mail:

Bill MacClarence, P.E.  
10840 Glazanof Drive  
Anchorage, Alaska 99507

Christopher Winter  
Crag Law Center  
917 SW Oak Street, Suite 417  
Portland, OR 97205

Peter Van Tuyn  
Besseney & Van Tuyn, L.L.C.  
310 K. St #200  
Anchorage, AK 99507

Clayton Jernigan  
Eric Jorgensen  
EARTHJUSTICE  
325 Fourth Street  
Juneau, AK 99801

Duane A. Siler  
Susan Mathiascheck  
Patton Boggs LLP  
2550 M Street N.W.  
Washington, D.C. 20036

Kyle W. Parker  
Patton Boggs LLP  
601 West 5th Ave. Suite 700  
Anchorage, Alaska 99501

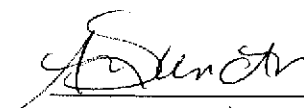
### Interoffice Mail:

Elliot B. Zenick  
Kristi M. Smith  
Air and Radiation Law Office  
Office of General Counsel

### Pouch Mail:

Juliane R. B. Matthews  
Office of Regional Counsel (ORC-158)  
U.S. EPA, Region 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98110

Dated: AUG 20 2008



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Annette Duncan  
Secretary