

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL APPEALS BOARD

STATUS CONFERENCE

---

IN RE: :

SHELL GULF OF MEXICO, INC. :

FRONTIER DISCOVERY :

DRILLING UNIT : OCS Appeal

: Nos. 10-01,

: 10-02, & 10-03

OCS Permit No. :

R10OCS/PSD-AK-09-01 :

---

Thursday, May 13, 2010  
Administrative Courtroom 1152  
EPA East Building  
1201 Constitution Ave, N.W.  
Washington, D.C.

The above-entitled matter came on  
for hearing, pursuant to notice, at 2:00 p.m.

BEFORE:

THE HONORABLE ANNA L. WOLGAST

APPEARANCES:

On Behalf of the Permittee, Shell Gulf  
of Mexico, Inc., and Shell Offshore,  
Inc.:

Duane A. Siler, Esq.  
Susan M. Mathiascheck, Esq.  
Sarah C. Bordelon, Esq.  
Crowell & Moring, LLP  
1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(202) 624-2500  
On Behalf of the Environmental  
Protection Agency:

Kristi M. Smith, Esq.  
Office of General Counsel  
US Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20460  
(202) 564-3064

Julie Vergeront, Esq.  
Juliane R.B. Matthews, Esq.  
Office of Regional Counsel

US EPA, Region 10  
1200 Sixth Avenue, SO-155  
Seattle, Washington 98101  
(206) 553-1169

On Behalf of the Environmental

Appeals Board:

Susan E. Gardinier, Esq.  
U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board (MC 1103B)  
Ariel Rios Building

1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460-0001  
(202) 233-0122

APPEARANCES (Cont'd):

On Behalf of the Alaska Eskimo Whaling  
Commission:

Tanya Sanerib, Esq.  
Christopher Winter, Esq.  
Crag Law Center  
917 S.W. Oak Street, Suite 417  
Portland, Oregon 97205  
(503) 525-2722

On Behalf of the Center for Biological  
Diversity:

Kevin Bundy, Esq.  
Center for Biological Diversity  
351 California St, Suite 600  
San Francisco, California 94104  
(415) 436-9682

On Behalf of Earthjustice:

David R. Hobstetter, Esq.  
Erik Grafe, Esq.  
Earthjustice

441 W. 5th Ave. Suite 301  
Anchorage, Alaska 99501  
(907) 277-2500

Eric P. Jorgenson, Esq.  
Earthjustice  
325 Fourth Street

Juneau, Alaska 99801  
(907) 586-2751

C-O-N-T-E-N-T-S

MR. SILER . . . . . 11

MS. SMITH . . . . . 26

MS. SANERIB . . . . . 31

  

MR. BUNDY . . . . . 35

MR. HOBSTETTER. . . . . 37

Oral Argument . . . . . 43

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

P-R-O-C-E-E-D-I-N-G-S

2:04 p.m.

MS. DURR: All rise.

Environmental Appeals Board of the United States Environmental Protection Agency is now in session for a status conference. In re: Shell Gulf of Mexico Inc., Permit Number R10OCS/PSD-AK-09-01. OCS Appeal Nos. 10-01, 10-02, and 10-03.

The Honorable Judge Anna Wolgast presiding.

Please be seated.

JUDGE WOLGAST: Good afternoon or good morning depending on where you are joining us from.

Today we're here pursuant to the Board's order of May 10th to talk about a scheduling order in this case.

And I know that you have just gone through this with the clerk but now that we are on the record if we can just make sure every representative who does want to

1 participate is on the phone and ready to  
2 participate.

3 Can we start with Ms. Bordelon  
4 with Shell in Los Angeles?

5 MS. BORDELON: Yes. I'm here.

6 JUDGE WOLGAST: And Mr. Bundy in  
7 San Francisco for Center for Biological  
8 Diversity.

9 MR. BUNDY: I'm on the line, thank  
10 you.

11 JUDGE WOLGAST: Thank you.  
12 Counsel for Crag Law Center in  
13 Portland?

14 MS. SANERIB: Yes. This is Tanya  
15 Sanerib. Good afternoon.

16 JUDGE WOLGAST: Thank you.

17 MR. WINTER: And this is  
18 Christopher Winter.

19 JUDGE WOLGAST: Counsel for  
20 Earthjustice first in Anchorage.

21 MR. HOBSTETTER: Hi. This is  
22 David Hobstetter. I'm on the line.

1 MR. GRAFE: Erik Grafe on the  
2 line.

3 JUDGE WOLGAST: And counsel for  
4 Earthjustice in Juneau.

5 MR. JORGENSEN: Yes. This is Eric  
6 Jorgenson.

7 JUDGE WOLGAST: And counsel for  
8 EPA Region 10.

9 MS. MATTHEWS: Julie Matthews is  
10 here.

11 MS. VERGERONT: Julie Vergeront is  
12 here.

13 JUDGE WOLGAST: Thank you.

14 MS. MATTHEWS: Thank you.

15 JUDGE WOLGAST: And with us in the  
16 court room we have counsel for Shell. Counsel  
17 for EPA's Office of General Counsel. And  
18 joining me is an attorney with the  
19 Environmental Appeals Board, Ms. Gardinier.

20 In this case we are talking about  
21 petitions filed in two cases.

22 One, involving an outer

1 continental shelf prevention of significant  
2 deterioration under the Clean Air Act Permit,  
3 issued to Shell Gulf of Mexico, for  
4 exploratory drilling in the Chukchi Sea. And  
5 that has been challenged by Center for  
6 Biological Diversity, Earthjustice on behalf  
7 of conservation groups, and Alaska Eskimo  
8 Whaling Commission, and Inupiat Community of  
9 the Arctic Slope.

10 The second OCSPSD Permit at issue  
11 that was issued on April 9th for exploratory  
12 drilling, issued to Shell Offshore Inc., was  
13 for exploratory drilling in the Beaufort Sea.  
14 That was challenged by Center for Biological  
15 Diversity, and Earthjustice on behalf of  
16 conservation groups.

17 But today we're here to talk about  
18 proposed scheduling order for the case. Shell  
19 in its filings has requested that the cases be  
20 consolidated and also that the matters be  
21 expedited.

22 As I understand it Shell proposes



1 to file a response no later than 15 days from  
2 today. And requests that the Board decline to  
3 allow reply briefs in either case.

4 Shell, as I understand it, further  
5 argues that any oral argument proceed within  
6 a short time following filing of the response  
7 brief.

8 Petitioners, as I understand it,  
9 given the filings, do not oppose  
10 consolidation. And have requested an ability  
11 to file reply briefs.

12 I don't see that petitioners have  
13 taken any petition with respect to oral  
14 argument.

15 I'd like to first focus just on  
16 the briefing schedule, put any potential  
17 request for oral argument aside, and then  
18 we'll go back through, and everyone will have  
19 a chance to speak to that.

20 But I'd like to proceed in this  
21 fashion. If we could start with Shell. Since  
22 the subject is your motion, both for

1 consolidation and expedition. I am interested  
2 in your request to expedite. I have read your  
3 filings. But I also would like to have an  
4 understanding of what other permits or  
5 Government actions are pending, and that  
6 require action before Shell can commence  
7 drilling operations. And if you could give me  
8 a sense of where any such actions stand. What  
9 actions have to take place before those  
10 decisions can be final. And anything you know  
11 about the timing of those proceedings. And  
12 then if you could just confirm when you are  
13 prepared to file the response brief of the  
14 case.

15 Next we'll go to Region 10. And  
16 then petitioners. And again, I'll be  
17 interested in Region 10 and petitioners views  
18 both on consolidation and when they and when  
19 Region 10 is prepared to file a response  
20 brief. And in the event that the Court were  
21 to grant a reply briefing, which has not been  
22 decided, when petitioners would be prepared to

1 file a reply.

2 So if we could begin with Shell.

3 And for each counsel, if you could  
4 please for the court reporter, state your name  
5 for the record and who you represent.

6 MR. SILER: Thank you, Your Honor.  
7 My name is Duane Siler. And I represent  
8 Shell.

9 But to be precise, because this is  
10 a little bit complicated, I represent Shell  
11 Gulf of Mexico Inc., with respect to the  
12 Appeals Nos. 10-1, and 10-2, and 10-3. All of  
13 which challenge the Chukchi Air Permit. And  
14 I represent Shell Offshore Inc. in regard to  
15 Appeals Nos. 10-1, and 10-2.

16 And also Your Honor, in what I  
17 presume will become 10-4 which, of which we  
18 received electronic notice last night from  
19 counsel for the Alaska Eskimo Whaling  
20 Commission and the Inupiat Community of the  
21 North Slope. They have filed a petition  
22 yesterday. It has not been posted as of when

1 we came over here today on the, on the EAB  
2 website.

3 JUDGE WOLGAST: On the Beaufort  
4 Sea --

5 MR. SILER: Yes. That's correct,  
6 Your Honor. So we have what I presume will be  
7 some, Appeal 10-4 involving SOI. And I  
8 represent SOI there.

9 Having said all of that, for  
10 convenience sake, I will refer to them  
11 collectively as Shell.

12 Your Honor, as you noted, Shell's  
13 motion for combined review and expedited  
14 resolution is not opposed by Region 10, the  
15 Agency or any of the petitioners.

16 Obviously, concerns have been  
17 expressed by petitioners about whether or not  
18 a right of reply should be granted in this  
19 matter. And if so, how long should be  
20 accorded for that.

21 Shell believes that the Region  
22 issued these two OCS Air Permits lawfully.

1 And after rigorous and extensive analysis and  
2 based on very complete records. And we  
3 believe that none of the petitions that has  
4 been filed demonstrates the kind of clear  
5 error or abuse of discretion that would  
6 warrant remanding these permits.

7 I say this because we are  
8 obviously assuming and optimistic, Your Honor,  
9 that we will have a favorable outcome in these  
10 appeals. But if that outcome is long delayed  
11 the value of that outcome to Shell becomes  
12 more and more academic as the summer  
13 progresses.

14 Shell has, we recognize we are  
15 asking for extraordinary action. We're asking  
16 for action that is very similar to what the  
17 Board did in 2007 when it compressed briefing  
18 and argument on the Kulluk Air Permit in to  
19 the space of about three weeks.

20 The realities of Arctic offshore  
21 exploration compel us to ask for similar  
22 extraordinary relief this year. Shell has a

1 very limited drilling season. Shell does not  
2 know, and cannot know, in advance which of the  
3 two seas will be open for drilling. Although  
4 drilling is authorized and planned to commence  
5 if possible in either or both. On or by July  
6 4th in the Chukchi and July 10 in the  
7 Beaufort.

8 We believe combined review is  
9 pretty clearly the way to proceed in this  
10 case. Because as Your Honor will I think  
11 agree once the newest petition that AEWC and  
12 ICAS has filed is available, it raises  
13 identical issues to those that were raised in  
14 the previous appeal.

15 So what we have are petitions by  
16 CBD that raise a single legal issue with  
17 respect to both permits. A petition by  
18 Earthjustice that raises a single legal issue  
19 with respect to both permits. And two appeals  
20 filed by AEWC and ICAS that raise a suite of  
21 six issues which are substantially identical  
22 with respect to both permits.

1           It seems to us it would be, it  
2           would economize on judicial resources as well  
3           as those of the parties if these were to be  
4           briefed and decided together because it's  
5           actually difficult to see, Your Honor, how  
6           they could be decided separately. The issues  
7           are so intertwined and indeed identical.

8           If Your Honor would like me to  
9           anatomize or categorize those issues I could  
10          do so. But I assume that they will be clear  
11          from the record. And the identity will be  
12          apparent --

13                   JUDGE WOLGAST: Yes.

14                   MR. SILER: -- as you consider  
15          this.

16                   Shell has invested a huge amount  
17          of money at this point in being able to  
18          explore the leases that it acquired from MMS  
19          some years ago to explore for hydrocarbons in  
20          the Chukchi and in the Beaufort. At this  
21          point, Shell has some costs of approximately  
22          3 billion dollars in the acquisition of the

1 leases, and capital expenditures relating to  
2 the acquisition of seismic data, the  
3 retrofitting of vessels, the creation of an  
4 off spill response capability etcetera.

5 But more to the point Your Honor,  
6 Shell will by the end of this month, due to  
7 the necessities of going forward with  
8 logistical planning and making commitments for  
9 a mobilization of an effort of this magnitude,  
10 Shell will have committed to spend  
11 approximately 300 million dollars for this  
12 summer, 2010, drilling season. Much of which  
13 will be non-recoverable.

14 That's why it's so imperative, in  
15 Shell's view, to be able to drill at the  
16 earliest possible time in both seas depending  
17 on which one's conditions allows us to proceed  
18 in. And why the opportunity costs of not  
19 being able to do so runs in our, approximately  
20 2 1/2 million dollars a day.

21 This is why we would hope to have  
22 this matter briefed as quickly as possible.



1 And we believe oral argument would be  
2 beneficial. I know it's an issue you wanted  
3 us to address because of the complexity of the  
4 matters. But to have that accomplished as  
5 soon as possible.

6 But in any case, having them fully  
7 briefed so that the Board can proceed with  
8 whatever degree of expedition it deems  
9 appropriate which we believe it will recognize  
10 is compelling. But at least, let's get these  
11 matters briefed as quickly as possible and  
12 prepared for review by the, by the Board.

13 As you know, a project of this  
14 magnitude has many moving parts. All of which  
15 have to be orchestrated. You inquired about  
16 permits and authorizations that are required  
17 for Shell to proceed this summer.

18 One of the principal ones is the  
19 exploration plan, approvals that the Minerals  
20 Management Service has approved for  
21 exploration, the exploration program in both  
22 seas for a single season, i.e. this summer.

1                   Both of those approvals were  
2 challenged in the 9th Circuit and oral  
3 argument occurred last week. At that time,  
4 the panel indicated its understanding on the  
5 record that a quick decision would be of the,  
6 would be very beneficial to Shell. So it  
7 appears that the panel understands that that  
8 needs to be resolved quickly.

9                   In any event, those exploration  
10 plan approvals are in hand and are valid until  
11 contrary action by the 9th Circuit. Which we  
12 do not expect to occur.

13                   JUDGE WOLGAST: But you are, you  
14 are waiting a decision from the 9th Circuit in  
15 order to commence.

16                   MR. SILER: That is, we can, we  
17 can commence operations unless the 9th Circuit  
18 invalidates those exploration plans. So it is  
19 important for both sides of this issue to have  
20 an early resolution.

21                   JUDGE WOLGAST: I understand. But  
22 just to be clear, your, you wouldn't be

1 drilling before that action by the 9th Circuit  
2 has been decided.

3 MR. SILER: We expect, from every  
4 indication including an expedited briefing  
5 schedule that the 9th Circuit entered in those  
6 appeals early this year, that the 9th Circuit  
7 appreciates the need for a decision early this  
8 summer. And will, and will render one.

9 Shell has, requires, actually it's  
10 covered by the Arctic General NPDS Discharge  
11 Permit and has filed notices and intend to be  
12 covered by that permit for both operations,  
13 and has received certificates of coverage from  
14 Region 10 for both of those notifications.

15 The State of Alaska, back in  
16 January, approved under, the under its  
17 delegated authority under the Federal Coastal  
18 Zone Management Act, determined at that time  
19 that this that Shell exploration plan in both  
20 seas are consistent with the CZMA. No appeals  
21 were taken of that. That authorization is in  
22 hand.

1                   With respect to the Endangered  
2                   Species Act and the Marine Mammals Protection  
3                   Act, these approvals which tend to be issued  
4                   on a just-in-time basis are, we believe, on  
5                   track.

6                   With respect to the incidental --  
7                   JUDGE WOLGAST: Could you just  
8                   tell me what still needs to be accomplished  
9                   with respect to the MMPA and ESA issues?

10                  MR. SILER: Certainly Your Honor.

11                  The incidental harassment  
12                  authorizations were the Chukchi and the  
13                  Beaufort have been published in the Federal  
14                  Register by the National Marine Fishery  
15                  service.

16                  In the case of Chukchi it was  
17                  noticed in the Federal Register on May 7.  
18                  With public comment open through June 7 of  
19                  2010. In the, for the Beaufort the IHA was  
20                  noticed on April 19. Public comment will be  
21                  open until May 19.

22                  After the public comment periods

1 have closed Shell expects that the IHAs will  
2 be issued for both operations.

3 With respect to letters of  
4 authorization from the Fish and Wildlife  
5 Service, Shell applied for those in May of  
6 2009. Continues to discuss those with the  
7 Fish and Wildlife Service. And it fully  
8 expects to receive those on a timely basis.

9 Again, our experience with these  
10 authorizations for previous seasons is that  
11 they are issued on a just-in-time basis. We  
12 see no reason to doubt that they will be  
13 issued in time for the planned commencement of  
14 the drilling season in July.

15 Finally Your Honor, the, Shell  
16 will need from the Minerals Management Service  
17 actual permits to drill. This is the last  
18 step in the in the MMS authorization process.  
19 Shell is working, and these are issued in the,  
20 Shell has, is working with MMS on the  
21 applications for these permits to drill.  
22 Shell has, will be seeking APDs to drill in

1 five locations potentially.

2 JUDGE WOLGAST: What is an APD?

3 I'm sorry.

4 MR. SILER: An authorization for  
5 permission to drill.

6 It appears that in the wake of the  
7 tragic incident involving the Deepwater  
8 Horizon, the MMS will not be issuing permits  
9 to drill to Shell until after May 28th, when  
10 a report is scheduled to be rendered to the  
11 President on the causes of that incident and  
12 recommendations. And Shell has been advised  
13 of that.

14 By the same token, Shell has no  
15 reason to believe that MMS has suspended  
16 processing of its -- of the application for  
17 permit to drill. And there continues to be  
18 ongoing information being supplied by Shell to  
19 support the, those applications and the  
20 authorizations that Shell expects to receive.

21 May 28th would be in advance of  
22 any hearing, or certainly, any resolution, but

1 even any hearing that's likely to be scheduled  
2 in this matter.

3 So we expect that we will be on  
4 track by the time briefing is complete under  
5 the schedule we propose. And certainly by the  
6 time of any hearing.

7 JUDGE WOLGAST: And do you have  
8 any insight in to what that review process  
9 entails in the wake of the Gulf incident?

10 MR. SILER: What we know, Your  
11 Honor, is that the MMS has asked Shell to  
12 submit additional information by May 18  
13 regarding the safety, and safety measures,  
14 that will be undertaken in the design of these  
15 wells. And the implementation of the approved  
16 design.

17 And that Shell is certainly going  
18 to provide that information by May 18th if not  
19 sooner.

20 JUDGE WOLGAST: And you don't know  
21 what happens after that?

22 MR. SILER: I do not know. But it

1 certainly, we do not expect any action, one  
2 way or the other, on the permits to drill  
3 until after May 28th. Because we've been so  
4 informed.

5 With respect Your Honor to the,  
6 let me just speak briefly about this schedule  
7 that we have proposed, if I may. The schedule  
8 we've proposed which would require Region 10  
9 and Shell to respond to the pending petitions  
10 by May 28 would provide, basically, 25 days to  
11 Shell and to Region 10 since those petitions  
12 have been available on the docket.

13 This, in as much as the permits,  
14 the appeals present identical issues with  
15 respect to the permits. We feel that we can  
16 certainly live with that schedule. And we're  
17 prepared to do so. And we're working with the  
18 expectation of filing a brief at that time.

19 We think it's, every day counts  
20 for the reasons I explained here. And we  
21 don't mean to be overly aggressive about this  
22 issue. But every day does count, Your Honor.



1       Because every day that we can't drill  
2       represents a lost investment not just in the  
3       money but in the potential ability to complete  
4       a well and get the data that that well  
5       represents. Which will guide exploration  
6       operations in the subsequent seasons. And  
7       generally enables Shell to complete the  
8       exploration of these leases for hydrocarbons  
9       as it's entitled to do.

10               We feel that in this situation a  
11       reply, which after all under the Boards'  
12       procedures, is not a, something that is  
13       granted as a right. Indeed it is not normally  
14       provided. In this case we feel that the  
15       petitioners have set forth their arguments  
16       ably in their petitions. And that, provided  
17       that the Board sees fit to set this matter for  
18       oral argument, that will provide an adequate  
19       ability for petitioners to respond to any  
20       issues that may be raised by Shell or the  
21       Region in our responses, in our respective  
22       responses.

1 Shell does not wish to cut off  
2 anybody's right to be heard. But we do  
3 believe that the hearing would provide the  
4 functional equivalent of a reply brief for  
5 petitioners.

6 So we would urge the Board to set  
7 that as a briefing schedule. We appreciate  
8 that the Board has its own schedule with  
9 respect to hearing and resolution of this.  
10 But let it, we would urge the Board to at  
11 least get this matter keyed for consideration  
12 with this sort of expedited briefing schedule.

13 Thank you, Your Honor.

14 MS. SMITH: Hello Your Honor. I'm  
15 Kristi Smith from the Office of General  
16 Counsel for EPA. I work with Julie Vergeront  
17 and Juliane Matthews in Region 10 Office of  
18 Regional Counsel.

19 We will be responding for the  
20 Region. And defending these permits.

21 You specifically asked what EPA's  
22 views were to Shell's petition. And

1 specifically to respond.

2 We do not oppose expedition as a  
3 general matter. But we definitely need enough  
4 time to fully and thoughtfully respond to all  
5 the issues raised in the petitions.

6 As Shell noted it is true that as  
7 of this morning we found out that there aren't  
8 any new issues raised beyond what's been  
9 raised in the petitions so far.

10 The Whaling Commission petitioners  
11 did file a new brief. It covers the same  
12 issues as the first petition. But they are  
13 specific to the actual facts in the Beaufort  
14 Sea. So there are some differences. And  
15 they've expanded up on some of their arguments  
16 in that petition. So it's not an exact  
17 replica of the petition they filed before.

18 And we didn't know that until this  
19 morning. We, you know, there were other  
20 commenters on the Beaufort Sea who have not  
21 filed a petition.

22 But taking all of this in to

1 account we feel that the time best for us  
2 would be June 4th. That's one week after the  
3 time that Shell has requested. There are a  
4 lot of issues raised. We feel we have a  
5 strong record. But we need to make sure we  
6 defend that adequately.

7 For the Agency this is not just  
8 about defense of the Shell permits. This is  
9 about OCS permitting overall. As some of the  
10 petitioners raised, Shell is, in many senses,  
11 the first out of the gate. But we have other  
12 petitions, we have other applications for  
13 permits. And we need to think about what we  
14 say here, how that will affect other permits.  
15 So we need time to put those responses  
16 together.

17 And then also in light of what has  
18 happened in the Gulf we need to make sure that  
19 we have adequate time for management review.  
20 Any, anything said by a Federal agency at this  
21 time about OCS permitting or drilling will  
22 have an extra layer of scrutiny.

1                   So we would request June 4th.

2                   We don't take a position as to  
3                   reply briefs. That's completely within the  
4                   purview of the EAB. And we think that Shell  
5                   and the petitioners have both laid out their  
6                   arguments with respect to that.

7                   JUDGE WOLGAST: And let me ask you  
8                   as to your proposed June 4th date would you  
9                   propose to file the certified index and the  
10                  relevant copies of the administrative record  
11                  simultaneously with your response?

12                  MS. SMITH: That would be our  
13                  proposal.

14                  If the Court wished to have some  
15                  other date a day or two before would be  
16                  workable. But anything further than that  
17                  would detract from the writing of the  
18                  responses. So.

19                  JUDGE WOLGAST: And what is your  
20                  position on consolidating the two matters?

21                  MS. SMITH: Oh. We are not  
22                  opposed to consolidation. For all the reasons

1 Shell raised. And the fact that two of the  
2 petitions do basically consolidate the  
3 permits.

4 And once you get our record, you  
5 will see that a vast majority of the documents  
6 are shared by both permitting records.

7 So from our perspective it makes  
8 sense to combine as well.

9 JUDGE WOLGAST: Okay. All right.  
10 Thank you.

11 MS. SMITH: Oh, one other thing I  
12 just wanted to let everyone know is that, all  
13 the parties, all the counsel for all the  
14 petitioners have agreed to electronic filing  
15 for our service copies to one another.

16 So we'll only be filing a paper  
17 copy with the Board from here on out.

18 JUDGE WOLGAST: And of course you  
19 can file electronically --

20 MS. SMITH: Yes. We'll do that as  
21 well. Yes. Yes.

22 JUDGE WOLGAST: Thank you. All

1 right.

2 Let's turn now to the petitioners.  
3 And arbitrarily, why don't we go in  
4 alphabetical order? So Alaska Eskimo Whaling  
5 Commission, counsel for that group. And  
6 Inupiat Community for the Arctic Slope. Could  
7 we here from you please?

8 MS. SANERIB: Yes. Of course.  
9 Good afternoon. This is Tanya Sanerib on  
10 behalf of AWEC and ICAS. And as previously  
11 mentioned, Christopher Winter is also on the  
12 phone on behalf of those parties.

13 And I just wanted to make clear as  
14 both counsel for Shell and EPA said that, this  
15 afternoon, that AWEC and ICAS did file a  
16 petition for review yesterday of the Beaufort  
17 permit. So like the other petitioners in this  
18 matter we have now sought review of both the  
19 Chukchi and the Beaufort OCS Air Permits  
20 issued to Shell.

21 In terms of your question about  
22 consolidation, we don't oppose consolidation

1 of the two petitions for review over the two  
2 different air permits.

3 As counsel for the EPA said, the  
4 records do overlap substantially. There's a  
5 lot of meetings between Shell and EPA that  
6 cover both permits. There are a lot of legal  
7 issues, that while they have slightly  
8 different factual underpinnings our, we think,  
9 our legal thoughts is both permits, that are  
10 the same. So we don't oppose consolidation.

11 In terms of the question about the  
12 schedule, our proposal is, and I note the  
13 dates that have been thrown out by other  
14 parties, would be to, if Shell wants to file  
15 their response brief on May 28th, to have them  
16 go ahead and do that. If they want to join  
17 EPA and file on June 4th, that's fine with us.  
18 But, as we represented in our papers, we do  
19 think that a reply brief is warranted here.

20 And I think one of the primary  
21 reasons a reply is necessary is because Shell  
22 has represented in its filings that they



1 intend to present different arguments from the  
2 EPA. And petitioners think that it's  
3 incredibly important to be able to file a  
4 response to this new argument in writing.  
5 Presumably those arguments will involve  
6 different case law, different factual parts of  
7 the record. And I think that the easiest way  
8 for the EAB to have a clear record, and a  
9 clear understanding of all the arguments  
10 presented to it, is to actually have a written  
11 reply brief.

12 I also think that that will  
13 expedite proceedings. If there's an oral  
14 argument before the EAB we can really focus on  
15 the key topics that the EAB still has  
16 questions on.

17 I think the other reason that it's  
18 important that petitioners feel they have to  
19 file reply briefs here is because there are  
20 some very important precedential issues for,  
21 as EPA, counsel for EPA stated, on how EPA is  
22 going to handle air permitting in the OCS.

1                   And there are other permittees  
2                   that are submitting applications. And so, the  
3                   ruling from the Board on some of these issues  
4                   is really going to dictate how things happen  
5                   in years to come. And so for that reason  
6                   petitioners are also requesting the  
7                   opportunity to file a reply brief.

8                   We would recommend that we  
9                   provided 10 days for that reply. To file  
10                  replies on Monday, June 14th. And we would  
11                  request that argument be held after June 14th.  
12                  At the Board's convenience.

13                  JUDGE WOLGAST: All right.

14                  MS. SANERIB: And do you have any  
15                  other questions?

16                  JUDGE WOLGAST: Not at this time.  
17                  Because we'll come back to oral argument again  
18                  with all the parties. Thank you.

19                  MS. SANERIB: Yes.

20                  JUDGE WOLGAST: Counsel for Center  
21                  for Biological Diversity.

22                  MR. BUNDY: Good afternoon Your

1 Honor. This is Kevin Bundy for the Center for  
2 Biological Diversity.

3 I'll be brief. I don't have a lot  
4 to add to what counsel for AWEC just  
5 presented.

6 In terms of consolidation,  
7 speaking only in terms of our separate  
8 petition, our issues are very similar, they  
9 are factually identical. And so we don't  
10 oppose consolidation.

11 And in terms of the schedule, we  
12 support the proposal that counsel for AEWC  
13 just laid out with responses due on June 4th.  
14 And replies due on June 14th. And argument  
15 thereafter.

16 I just note that Shell agrees with  
17 the issues in these cases are complex. And  
18 should really be fully briefed so that the, so  
19 that the Board can reach an informed decision.

20 And I'd like to echo what counsel  
21 for the AEWC said that, we believe that  
22 written briefs would ultimately be more

1       beneficial to the Board. And actually more  
2       expeditious in trying to get all the  
3       petitioner's responses to whatever new  
4       arguments Shell might want to raise in the  
5       context of oral arguments. So we would, we  
6       would support AEW's proposal.

7                   JUDGE WOLGAST: And that is that  
8       you would have 15 days from the date of the  
9       filing of a response? That's your proposal?

10                  MR. BUNDY: I believe it was 10  
11       days, Your Honor.

12                  JUDGE WOLGAST: 10 days.

13                  MR. BUNDY: That the responses  
14       would be due on June 4th per EPA's suggested  
15       schedule. And then replies would be due on  
16       June 14th.

17                  We had asked for 10 days in our in  
18       our written filing in response to Shell's  
19       motion as well.

20                  JUDGE WOLGAST: All right. Okay.

21       Thank you.

22                  MR. BUNDY: Thank you.

1 JUDGE WOLGAST: And Earthjustice,  
2 please.

3 MR. HOBSTETTER: Good afternoon,  
4 Your Honor. This is David Hobstetter with  
5 Earthjustice on behalf of NRDC petitioners.

6 We don't oppose consolidation or  
7 review on an expedited basis.

8 We also join AEWG petitioners,  
9 their suggested schedule for review here.  
10 With reply briefs due on the 14th of June.

11 In terms of our reasoning where I  
12 don't have much else to add.

13 As counsel for AEWG said, these  
14 are, the petitions raise matters of first  
15 impression here. And reply briefs would,  
16 written replies here would provide petitioners  
17 with an opportunity to address Shell and the  
18 Region's fully articulated position. And so  
19 we join AEWG in their request for reply briefs  
20 on the 14th.

21 JUDGE WOLGAST: All right. Thank  
22 you.

1                   And before I go back to Shell, I  
2                   want to go back to counsel for EPA just for a  
3                   clarification. Because I may well have  
4                   written this down incorrectly.

5                   But I understand you're proposing  
6                   response date of June 4th. And just tell me  
7                   again when you're proposing to file a reply.  
8                   If a reply were to be granted by the Board.

9                   MS. SMITH: We did not --

10                  JUDGE WOLGAST: I'm sorry. Not,  
11                  I'm sorry. You weren't doing a reply.

12                  MS. SMITH: That's okay.

13                  JUDGE WOLGAST: It was AEWC. I'm  
14                  sorry.

15                  Counsel --

16                  MS. SANERIB: Yes.

17                  JUDGE WOLGAST: -- for AEWC. I'm  
18                  sorry. Could you clarify when you were  
19                  proposing to file a reply?

20                  MS. SANERIB: We are proposing 10  
21                  days from June 4th. So June 14th.

22                  JUDGE WOLGAST: All right.

1 MS. SANERIB: Monday, June 14th.

2 JUDGE WOLGAST: Thank you. I did  
3 write that down incorrectly.

4 MS. SANERIB: Okay. And if I, if  
5 I might, there is one other thing. I'm not  
6 sure how long we're going to address this  
7 schedule. But I did want to make the Board  
8 aware of a conflict counsel for AEWG and ICAS  
9 has.

10 We have a 9th Circuit oral  
11 argument on Monday, June 7th. And so part of  
12 the reason we are proposing reply briefs on  
13 June 14th is to account for the fact that both  
14 Christopher Winter and myself have this  
15 argument. It was scheduled months ago on June  
16 7th. And it just can't be moved. So we have  
17 to account for that in terms of the timing of  
18 the schedule before the Board.

19 JUDGE WOLGAST: Okay. Let's turn  
20 back to Shell. If you could respond to the  
21 proposal by EPA, or response, and by  
22 petitioners. And I would also like to know,

1 do you think there should be a single date for  
2 response? Since you've articulated two  
3 different dates.

4 MR. SILER: Yes Your Honor. I  
5 articulated May 28th because that seemed to us  
6 to be a date, a date that both the Region and  
7 Shell could meet this.

8 I appreciate what counsel for EPA  
9 is saying here about the need for internal  
10 review on their part of the brief they are  
11 going to submit.

12 By the same token, it's, for all  
13 the reasons I have outlined, Shell has a need  
14 for expedition here. And really this is kind  
15 of a, these are interrelated issues. A  
16 response date, a reply date if one is granted,  
17 and a hearing date, because all of them are  
18 essential elements of an expedited resolution  
19 here.

20 But let me say that we continue to  
21 believe that oral argument will provide an  
22 adequate forum to address all the issues that



1 might be presented in either response.

2           Obviously, Shell will be raising  
3 somewhat different issues from EPA. This is  
4 something which is implicit in our  
5 participation and the grant of our  
6 participation in this matter. It's an element  
7 of our standing in this matter.

8           We do not anticipate that they  
9 will be so far removed or different from what  
10 the Agency argues as to create any surprises.

11           But we understand the argument  
12 that the petitioners are making here that they  
13 need a reply.

14           We would, if the, if the Court, if  
15 the Board sees fit to grant a right of reply  
16 we would ask that it not be a full 10 days.  
17 We would ask that it be a five day response or  
18 reply to the responses that are filed.

19           And furthermore, while this may be  
20 somewhat novel Your Honor, we would ask that  
21 that be keyed to the date of the last filing  
22 of the responses by either Shell or Region 10.

1                   And the reason for this is, it is  
2 not unheard of in this world that briefs get  
3 filed early. And if they, if they do get  
4 filed early by both EPA and Shell, based on a  
5 June 4 deadline, then we believe that the  
6 petitioners ought to be able to prepare their  
7 reply in whatever the appropriate amount of  
8 time is. With the clock running when they  
9 receive those responses.

10                   So we would ask that the, if the  
11 right of reply be given that it be limited to  
12 five days. And that it be keyed to the  
13 service of both of the responses to which the  
14 replies will be made.

15                   JUDGE WOLGAST: Yes. And to be  
16 absolutely clear when, for counsel for  
17 petitioners when we say "10 days" I'm assuming  
18 that's 10 days from the filing of the response  
19 brief.

20                   MS. SANERIB: Yes. That's  
21 correct.

22                   And that's Tanya Sanerib from Crag

1 Law Center.

2 JUDGE WOLGAST: And what is  
3 Shell's position on whether there should be  
4 different response dates or one response date  
5 for EPA and Shell?

6 MR. SILER: We think it should be  
7 one response date. We should respond on the  
8 same date.

9 JUDGE WOLGAST: Okay. And let's  
10 just quickly talk about oral argument. And  
11 again, no decision has been made on whether or  
12 not oral argument will or will not be held.  
13 And I really don't anticipate that a decision  
14 will be made about oral argument until we see  
15 the response briefs.

16 So with that in mind, I just  
17 wanted ask, since we have all counsel either  
18 here or on the line, the parties' availability  
19 during both the weeks of June 14th and June  
20 21st. If you have an ability to tell me that  
21 now, that would be great. If you don't, if  
22 you could, as soon as possible, advise the

1 clerk of the Board as to your availability  
2 those two weeks. So at least we will know, in  
3 the event an oral argument is scheduled, when  
4 we could get the parties together to do that.

5 MR. SILER: I can represent no  
6 conflict during those weeks for Shell, Your  
7 Honor.

8 JUDGE WOLGAST: All right. Thank  
9 you.

10 MR. SILER: Thank you, Your Honor.

11 JUDGE WOLGAST: And EPA, could you  
12 speak briefly to oral argument?

13 MS. SMITH: Yes, I can. I have  
14 spoken with my co-counsel beforehand. We  
15 expected that you might ask a question like  
16 this.

17 And I don't think we have any  
18 conflicts those two weeks.

19 The one request we would make is  
20 that the conference be scheduled mid-week,  
21 perhaps on a, mid-week on a Wednesday. Or on  
22 a Tuesday or a Thursday. Not on a Monday or

1 Friday. That makes it hard to travel and  
2 prep. We, our West Coast counsel usually like  
3 to fly out two days before an argument. So  
4 that they can have a day to work with us so we  
5 can all coordinate. So a Wednesday hearing  
6 would work best, or Tuesday or Thursday.

7 And we are fine with setting a  
8 tentative date now. And then deciding later.

9 One other thing that we were  
10 thinking about, if it would be possible, if  
11 the Board does review the responses and want  
12 to set oral argument, it might be helpful to  
13 the parties if there are any particular issues  
14 that you want to focus on, if you let us know  
15 that could probably, we could prepare much  
16 more quickly. And make sure that we're  
17 focused on the issues that you want to hear.

18 Thank you.

19 JUDGE WOLGAST: All right. Thank  
20 you. Okay.

21 Going back to petitioners. Again,  
22 back to Alaska Eskimo Whaling Commission and

1 Inupiat Community for Arctic Slope.

2 MS. SANERIB: Thank you. This is  
3 Tanya Sanerib.

4 And we have no conflicts during  
5 those two weeks.

6 JUDGE WOLGAST: And at this time,  
7 do you have any position on whether oral  
8 argument should be held?

9 MS. SANERIB: Yes. It is our  
10 belief that we should have oral argument. We  
11 think it would be beneficial to the Board to  
12 help flush out any questions they have after  
13 the briefing is complete.

14 And again, because there are such  
15 important precedential issues raised by these  
16 permits, I think it would be useful to give  
17 the parties an opportunity to come in and have  
18 a conversation with the Board about them.

19 JUDGE WOLGAST: All right. Thank  
20 you.

21 Earthjustice for NRDC and  
22 conservation groups.

1 MR. HOBSTETTER: Thank you, Your  
2 Honor. This is David Hobstetter.

3 We also think that oral argument  
4 would be beneficial. It would give us an  
5 additional opportunity to represent our  
6 positions to the Board.

7 We don't have any conflicts. We  
8 don't think we have any conflicts for the  
9 weeks of June 14th and June 21st. We would  
10 like to ask Your Honor to consider granting us  
11 the ability to do oral arguments by video  
12 conference, however.

13 JUDGE WOLGAST: Yes. In any Board  
14 oral argument, we can arrange for a video  
15 conference.

16 MR. HOBSTETTER: All right. Thank  
17 you very much. That's all.

18 JUDGE WOLGAST: All right. Any  
19 other issues?

20 MS. BORDELON: Your Honor, this is  
21 Sarah Bordelon for Shell.

22 I, we just recently received

1 information that the 9th Circuit has ruled in  
2 Shell's favor. And is upholding MSS's  
3 approval of Shell's exploration plan. We can  
4 provide you the text of that order if that  
5 would be desirable.

6 JUDGE WOLGAST: Yes. Please.

7 Thank you. Thank you for saying that.

8 If there's nothing else --

9 MR. BUNDY: One other thing, Your  
10 Honor. I'm very sorry. This is Kevin Bundy  
11 for Center for Biological Diversity.

12 I wanted to respond to your  
13 question about oral argument.

14 We also agree that oral argument  
15 would be beneficial in this case. Although as  
16 I said before, we don't think it necessarily  
17 substitutes for the benefit that written reply  
18 briefs would provide to the Board.

19 I'm not aware of any conflicts the  
20 week of June 14th or 21st.

21 My co-counsel Vera Pardee is  
22 actually the lead counsel in this case. And



1 she's out of the country right now. I have to  
2 check with her to make sure she doesn't have  
3 any conflict. But I think I can represent,  
4 from our perspective, that we can make the  
5 schedule work.

6 So, thank you.

7 JUDGE WOLGAST: All right. Let me  
8 say, if anyone, as it stands right now,  
9 counsel represented that they can make any  
10 date during those two weeks.

11 I'd like to hear by tomorrow noon  
12 if there's any change to that.

13 Because I would like to be able to  
14 issue an order tomorrow, if possible.

15 As you are all aware the Board  
16 issues decisions. It's a panel of three. So  
17 I will be conferring with the other two  
18 members of the panel. And we will try and get  
19 out an order as soon as possible. Hopefully  
20 tomorrow. If not tomorrow then it will be  
21 early on Monday.

22 If nothing further, thank you very

1 much for all of your input. And we will be  
2 moving along with this case.

3 Thanks very much.

4 (Whereupon, the above-entitled  
5 matter was concluded at 2:48 p.m.)

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

<p style="text-align: center;"><b>A</b></p> <p><b>ability</b> 9:10 25:3,19 43:20 47:11 <b>able</b> 15:17 16:15,19 33:3 42:6 49:13 <b>ably</b> 25:16 <b>above-entitled</b> 1:18 50:4 <b>absolutely</b> 42:16 <b>abuse</b> 13:5 <b>academic</b> 13:12 <b>accomplished</b> 17:4 20:8 <b>accorded</b> 12:20 <b>account</b> 28:1 39:13 39:17 <b>acquired</b> 15:18 <b>acquisition</b> 15:22 16:2 <b>Act</b> 8:2 19:18 20:2 20:3 <b>action</b> 10:6 13:15 13:16 18:11 19:1 24:1 <b>actions</b> 10:5,8,9 <b>actual</b> 21:17 27:13 <b>add</b> 35:4 37:12 <b>additional</b> 23:12 47:5 <b>address</b> 17:3 37:17 39:6 40:22 <b>adequate</b> 25:18 28:19 40:22 <b>adequately</b> 28:6 <b>administrative</b> 1:14 29:10 <b>advance</b> 14:2 22:21 <b>advise</b> 43:22 <b>advised</b> 22:12 <b>AEWC</b> 14:11,20 35:12,21 37:8,13 37:19 38:13,17 39:8 <b>AEWC's</b> 36:6 <b>affect</b> 28:14 <b>afternoon</b> 5:13 6:15 31:9,15</p>	<p>34:22 37:3 <b>agency</b> 1:1 2:9,12 2:22 5:5 12:15 28:7,20 41:10 <b>aggressive</b> 24:21 <b>ago</b> 15:19 39:15 <b>agree</b> 14:11 48:14 <b>agreed</b> 30:14 <b>agrees</b> 35:16 <b>ahead</b> 32:16 <b>air</b> 8:2 11:13 12:22 13:18 31:19 32:2 33:22 <b>Alaska</b> 3:2,17,21 8:7 11:19 19:15 31:4 45:22 <b>allow</b> 9:3 <b>allows</b> 16:17 <b>alphabetical</b> 31:4 <b>amount</b> 15:16 42:7 <b>analysis</b> 13:1 <b>anatomize</b> 15:9 <b>Anchorage</b> 3:17 6:20 <b>Angeles</b> 6:4 <b>Anna</b> 1:22 5:10 <b>anticipate</b> 41:8 43:13 <b>anybody's</b> 26:2 <b>APD</b> 22:2 <b>APDs</b> 21:22 <b>apparent</b> 15:12 <b>appeal</b> 1:9 5:8 12:7 14:14 <b>appeals</b> 1:2 2:20,23 5:4 7:19 11:12,15 13:10 14:19 19:6 19:20 24:14 <b>APPEARANCES</b> 2:1 3:1 <b>appears</b> 18:7 22:6 <b>application</b> 22:16 <b>applications</b> 21:21 22:19 28:12 34:2 <b>applied</b> 21:5 <b>appreciate</b> 26:7 40:8</p>	<p><b>appreciates</b> 19:7 <b>appropriate</b> 17:9 42:7 <b>approval</b> 48:3 <b>approvals</b> 17:19 18:1,10 20:3 <b>approved</b> 17:20 19:16 23:15 <b>approximately</b> 15:21 16:11,19 <b>April</b> 8:11 20:20 <b>arbitrarily</b> 31:3 <b>Arctic</b> 8:9 13:20 19:10 31:6 46:1 <b>argues</b> 9:5 41:10 <b>argument</b> 4:18 9:5 9:14,17 13:18 17:1 18:3 25:18 33:4,14 34:11,17 35:14 39:11,15 40:21 41:11 43:10 43:12,14 44:3,12 45:3,12 46:8,10 47:3,14 48:13,14 <b>arguments</b> 25:15 27:15 29:6 33:1,5 33:9 36:4,5 47:11 <b>Ariel</b> 2:23 <b>arrange</b> 47:14 <b>articulated</b> 37:18 40:2,5 <b>aside</b> 9:17 <b>asked</b> 23:11 26:21 36:17 <b>asking</b> 13:15,15 <b>assume</b> 15:10 <b>assuming</b> 13:8 42:17 <b>attorney</b> 7:18 <b>authority</b> 19:17 <b>authorization</b> 19:21 21:4,18 22:4 <b>authorizations</b> 17:16 20:12 21:10 22:20 <b>authorized</b> 14:4</p>	<p><b>availability</b> 43:18 44:1 <b>available</b> 14:12 24:12 <b>Ave</b> 1:15 2:12 3:16 <b>Avenue</b> 2:6,17,24 <b>aware</b> 39:8 48:19 49:15 <b>AWEC</b> 31:10,15 35:4</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>back</b> 9:18 19:15 34:17 38:1,2 39:20 45:21,22 <b>based</b> 13:2 42:4 <b>basically</b> 24:10 30:2 <b>basis</b> 20:4 21:8,11 37:7 <b>Beaufort</b> 8:13 12:3 14:7 15:20 20:13 20:19 27:13,20 31:16,19 <b>behalf</b> 2:2,9,19 3:2 3:8,13 8:6,15 31:10,12 37:5 <b>belief</b> 46:10 <b>believe</b> 13:3 14:8 17:1,9 20:4 22:15 26:3 35:21 36:10 40:21 42:5 <b>believes</b> 12:21 <b>beneficial</b> 17:2 18:6 36:1 46:11 47:4 48:15 <b>benefit</b> 48:17 <b>best</b> 28:1 45:6 <b>beyond</b> 27:8 <b>billion</b> 15:22 <b>Biological</b> 3:8,10 6:7 8:6,14 34:21 35:2 48:11 <b>bit</b> 11:10 <b>Board</b> 1:2 2:20,22 2:23 5:4 7:19 9:2 13:17 17:7,12</p>	<p>25:17 26:6,8,10 30:17 34:3 35:19 36:1 38:8 39:7,18 41:15 44:1 45:11 46:11,18 47:6,13 48:18 49:15 <b>Boards</b> 25:11 <b>Board's</b> 5:17 34:12 <b>Bordelon</b> 2:5 6:3,5 47:20,21 <b>brief</b> 9:7 10:13,20 24:18 26:4 27:11 32:15,19 33:11 34:7 35:3 40:10 42:19 <b>briefed</b> 15:4 16:22 17:7,11 35:18 <b>briefing</b> 9:16 10:21 13:17 19:4 23:4 26:7,12 46:13 <b>briefly</b> 24:6 44:12 <b>briefs</b> 9:3,11 29:3 33:19 35:22 37:10 37:15,19 39:12 42:2 43:15 48:18 <b>Building</b> 1:14 2:23 <b>Bundy</b> 3:9 4:16 6:6 6:9 34:22 35:1 36:10,13,22 48:9 48:10</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>C</b> 2:5 <b>California</b> 3:10,11 <b>capability</b> 16:4 <b>capital</b> 16:1 <b>case</b> 5:18 7:20 8:18 9:3 10:14 14:10 17:6 20:16 25:14 33:6 48:15,22 50:2 <b>cases</b> 7:21 8:19 35:17 <b>categorize</b> 15:9 <b>causes</b> 22:11 <b>CBD</b> 14:16 <b>Center</b> 3:5,8,10 6:7</p>
--	---	---	---	---

6:12 8:5,14 34:20  
35:1 43:1 48:11  
**certainly** 20:10  
22:22 23:5,17  
24:1,16  
**certificates** 19:13  
**certified** 29:9  
**challenge** 11:13  
**challenged** 8:5,14  
18:2  
**chance** 9:19  
**change** 49:12  
**check** 49:2  
**Christopher** 3:4  
6:18 31:11 39:14  
**Chukchi** 8:4 11:13  
14:6 15:20 20:12  
20:16 31:19  
**Circuit** 18:2,11,14  
18:17 19:1,5,6  
39:10 48:1  
**clarification** 38:3  
**clarify** 38:18  
**Clean** 8:2  
**clear** 13:4 15:10  
18:22 31:13 33:8  
33:9 42:16  
**clearly** 14:9  
**clerk** 2:22 5:20  
44:1  
**clock** 42:8  
**closed** 21:1  
**Coast** 45:2  
**Coastal** 19:17  
**collectively** 12:11  
**combine** 30:8  
**combined** 12:13  
14:8  
**come** 34:5,17 46:17  
**commence** 10:6  
14:4 18:15,17  
**commencement**  
21:13  
**comment** 20:18,20  
20:22  
**commenters** 27:20  
**Commission** 3:2

8:8 11:20 27:10  
31:5 45:22  
**commitments** 16:8  
**committed** 16:10  
**Community** 8:8  
11:20 31:6 46:1  
**compel** 13:21  
**compelling** 17:10  
**complete** 13:2 23:4  
25:3,7 46:13  
**completely** 29:3  
**complex** 35:17  
**complexity** 17:3  
**complicated** 11:10  
**compressed** 13:17  
**concerns** 12:16  
**concluded** 50:5  
**conditions** 16:17  
**conference** 1:4 5:6  
44:20 47:12,15  
**conferring** 49:17  
**confirm** 10:12  
**conflict** 39:8 44:6  
49:3  
**conflicts** 44:18 46:4  
47:7,8 48:19  
**conservation** 8:7  
8:16 46:22  
**consider** 15:14  
47:10  
**consideration**  
26:11  
**consistent** 19:20  
**consolidate** 30:2  
**consolidated** 8:20  
**consolidating**  
29:20  
**consolidation** 9:10  
10:1,18 29:22  
31:22,22 32:10  
35:6,10 37:6  
**Constitution** 1:15  
**context** 36:5  
**continental** 8:1  
**continue** 40:20  
**continues** 21:6  
22:17

**contrary** 18:11  
**Cont'd** 3:1  
**convenience** 12:10  
34:12  
**conversation** 46:18  
**coordinate** 45:5  
**copies** 29:10 30:15  
**copy** 30:17  
**correct** 12:5 42:21  
**costs** 15:21 16:18  
**counsel** 2:11,15  
6:12,19 7:3,7,16  
7:16,17 11:3,19  
26:16,18 30:13  
31:5,14 32:3  
33:21 34:20 35:4  
35:12,20 37:13  
38:2,15 39:8 40:8  
42:16 43:17 45:2  
48:22 49:9  
**count** 24:22  
**country** 49:1  
**counts** 24:19  
**course** 30:18 31:8  
**court** 7:16 10:20  
11:4 29:14 41:14  
**Courtroom** 1:14  
**cover** 32:6  
**coverage** 19:13  
**covered** 19:10,12  
**covers** 27:11  
**co-counsel** 44:14  
48:21  
**Crag** 3:5 6:12  
42:22  
**create** 41:10  
**creation** 16:3  
**Crowell** 2:6  
**cut** 26:1  
**CZMA** 19:20  
**C-O-N-T-E-N-T-S**  
4:10

---

**D**

---

**data** 16:2 25:4  
**date** 29:8,15 36:8  
38:6 40:1,6,6,16

40:16,17 41:21  
43:4,7,8 45:8  
49:10  
**dates** 32:13 40:3  
43:4  
**David** 3:14 6:22  
37:4 47:2  
**day** 16:20 24:19,22  
25:1 29:15 41:17  
45:4  
**days** 9:1 24:10 34:9  
36:8,11,12,17  
38:21 41:16 42:12  
42:17,18 45:3  
**deadline** 42:5  
**decided** 10:22 15:4  
15:6 19:2  
**deciding** 45:8  
**decision** 18:5,14  
19:7 35:19 43:11  
43:13  
**decisions** 10:10  
49:16  
**decline** 9:2  
**deems** 17:8  
**Deepwater** 22:7  
**defend** 28:6  
**defending** 26:20  
**defense** 28:8  
**definitely** 27:3  
**degree** 17:8  
**delayed** 13:10  
**delegated** 19:17  
**demonstrates** 13:4  
**depending** 5:14  
16:16  
**design** 23:14,16  
**desirable** 48:5  
**deterioration** 8:2  
**determined** 19:18  
**detract** 29:17  
**dictate** 34:4  
**differences** 27:14  
**different** 32:2,8  
33:1,6,6 40:3 41:3  
41:9 43:4  
**difficult** 15:5

**Discharge** 19:10  
**DISCOVERY** 1:8  
**discretion** 13:5  
**discuss** 21:6  
**Diversity** 3:8,10  
6:8 8:6,15 34:21  
35:2 48:11  
**docket** 24:12  
**documents** 30:5  
**doing** 38:11  
**dollars** 15:22 16:11  
16:20  
**doubt** 21:12  
**drill** 16:15 21:17,21  
21:22 22:5,9,17  
24:2 25:1  
**drilling** 1:9 8:4,12  
8:13 10:7 14:1,3,4  
16:12 19:1 21:14  
28:21  
**Duane** 2:4 11:7  
**due** 16:6 35:13,14  
36:14,15 37:10  
**DURR** 5:3  
**D.C** 1:15 2:7,13,25

---

**E**

---

**E** 2:21  
**EAB** 12:1 29:4 33:8  
33:14,15  
**earliest** 16:16  
**early** 18:20 19:6,7  
42:3,4 49:21  
**Earthjustice** 3:13  
3:15,19 6:20 7:4  
8:6,15 14:18 37:1  
37:5 46:21  
**easiest** 33:7  
**East** 1:14  
**echo** 35:20  
**economize** 15:2  
**effort** 16:9  
**either** 9:3 14:5 41:1  
41:22 43:17  
**electronic** 11:18  
30:14  
**electronically**

<p>30:19  <b>element</b> 41:6  <b>elements</b> 40:18  <b>enables</b> 25:7  <b>Endangered</b> 20:1  <b>entails</b> 23:9  <b>entered</b> 19:5  <b>entitled</b> 25:9  <b>Environmental</b> 1:1  1:2 2:9,12,19,22  2:23 5:4,5 7:19  <b>EPA</b> 1:14 2:16 7:8  26:16 31:14 32:3  32:5,17 33:2,21  33:21,21 38:2  39:21 40:8 41:3  42:4 43:5 44:11  <b>EPA's</b> 7:17 26:21  36:14  <b>equivalent</b> 26:4  <b>Eric</b> 3:18 7:5  <b>Erik</b> 3:15 7:1  <b>error</b> 13:5  <b>ESA</b> 20:9  <b>Eskimo</b> 3:2 8:7  11:19 31:4 45:22  <b>Esq</b> 2:4,5,5,10,14  2:15,21 3:4,4,9,14  3:15,18  <b>essential</b> 40:18  <b>etcetera</b> 16:4  <b>event</b> 10:20 18:9  44:3  <b>exact</b> 27:16  <b>expanded</b> 27:15  <b>expect</b> 18:12 19:3  23:3 24:1  <b>expectation</b> 24:18  <b>expected</b> 44:15  <b>expects</b> 21:1,8  22:20  <b>expedite</b> 10:2 33:13  <b>expedited</b> 8:21  12:13 19:4 26:12  37:7 40:18  <b>expedition</b> 10:1  17:8 27:2 40:14</p>	<p><b>expeditious</b> 36:2  <b>expenditures</b> 16:1  <b>experience</b> 21:9  <b>explained</b> 24:20  <b>exploration</b> 13:21  17:19,21,21 18:9  18:18 19:19 25:5  25:8 48:3  <b>exploratory</b> 8:4,11  8:13  <b>explore</b> 15:18,19  <b>expressed</b> 12:17  <b>extensive</b> 13:1  <b>extra</b> 28:22  <b>extraordinary</b>  13:15,22</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>fact</b> 30:1 39:13  <b>facts</b> 27:13  <b>factual</b> 32:8 33:6  <b>factually</b> 35:9  <b>far</b> 27:9 41:9  <b>fashion</b> 9:21  <b>favor</b> 48:2  <b>favorable</b> 13:9  <b>Federal</b> 19:17  20:13,17 28:20  <b>feel</b> 24:15 25:10,14  28:1,4 33:18  <b>file</b> 9:1,11 10:13,19  11:1 27:11 29:9  30:19 31:15 32:14  32:17 33:3,19  34:7,9 38:7,19  <b>filed</b> 7:21 11:21  13:4 14:12,20  19:11 27:17,21  41:18 42:3,4  <b>filing</b> 9:6 24:18  30:14,16 36:9,18  41:21 42:18  <b>filings</b> 8:19 9:9  10:3 32:22  <b>final</b> 10:10  <b>Finally</b> 21:15  <b>fine</b> 32:17 45:7</p>	<p><b>first</b> 6:20 9:15  27:12 28:11 37:14  <b>Fish</b> 21:4,7  <b>Fishery</b> 20:14  <b>fit</b> 25:17 41:15  <b>five</b> 22:1 41:17  42:12  <b>flush</b> 46:12  <b>fly</b> 45:3  <b>focus</b> 9:15 33:14  45:14  <b>focused</b> 45:17  <b>following</b> 9:6  <b>forth</b> 25:15  <b>forum</b> 40:22  <b>forward</b> 16:7  <b>found</b> 27:7  <b>Fourth</b> 3:19  <b>Francisco</b> 3:11 6:7  <b>Friday</b> 45:1  <b>FRONTIER</b> 1:8  <b>full</b> 41:16  <b>fully</b> 17:6 21:7 27:4  35:18 37:18  <b>functional</b> 26:4  <b>further</b> 9:4 29:16  49:22  <b>furthermore</b> 41:19</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p><b>Gardinier</b> 2:21  7:19  <b>gate</b> 28:11  <b>general</b> 2:11 7:17  19:10 26:15 27:3  <b>generally</b> 25:7  <b>give</b> 10:7 46:16  47:4  <b>given</b> 9:9 42:11  <b>go</b> 9:18 10:15 31:3  32:16 38:1,2  <b>going</b> 16:7 23:17  33:22 34:4 39:6  40:11 45:21  <b>good</b> 5:13,14 6:15  31:9 34:22 37:3  <b>Government</b> 10:5</p>	<p><b>Grafe</b> 3:15 7:1,1  <b>grant</b> 10:21 41:5,15  <b>granted</b> 12:18  25:13 38:8 40:16  <b>granting</b> 47:10  <b>great</b> 43:21  <b>group</b> 31:5  <b>groups</b> 8:7,16  46:22  <b>guide</b> 25:5  <b>Gulf</b> 1:8 2:2 5:7 8:3  11:11 23:9 28:18</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p><b>hand</b> 18:10 19:22  <b>handle</b> 33:22  <b>happen</b> 34:4  <b>happened</b> 28:18  <b>happens</b> 23:21  <b>harassment</b> 20:11  <b>hard</b> 45:1  <b>hear</b> 45:17 49:11  <b>heard</b> 26:2  <b>hearing</b> 1:19 22:22  23:1,6 26:3,9  40:17 45:5  <b>held</b> 34:11 43:12  46:8  <b>Hello</b> 26:14  <b>help</b> 46:12  <b>helpful</b> 45:12  <b>Hi</b> 6:21  <b>Hobstetter</b> 3:14  4:17 6:21,22 37:3  37:4 47:1,2,16  <b>Honor</b> 11:6,16 12:6  12:12 13:8 14:10  15:5,8 16:5 20:10  21:15 23:11 24:5  24:22 26:13,14  35:1 36:11 37:4  40:4 41:20 44:7  44:10 47:2,10,20  48:10  <b>Honorable</b> 1:22  5:10  <b>hope</b> 16:21</p>	<p><b>Hopefully</b> 49:19  <b>Horizon</b> 22:8  <b>huge</b> 15:16  <b>hydrocarbons</b>  15:19 25:8</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p><b>ICAS</b> 14:12,20  31:10,15 39:8  <b>identical</b> 14:13,21  15:7 24:14 35:9  <b>identity</b> 15:11  <b>IHA</b> 20:19  <b>IHAs</b> 21:1  <b>imperative</b> 16:14  <b>implementation</b>  23:15  <b>implicit</b> 41:4  <b>important</b> 18:19  33:3,18,20 46:15  <b>impression</b> 37:15  <b>incident</b> 22:7,11  23:9  <b>incidental</b> 20:6,11  <b>including</b> 19:4  <b>incorrectly</b> 38:4  39:3  <b>incredibly</b> 33:3  <b>index</b> 29:9  <b>indicated</b> 18:4  <b>indication</b> 19:4  <b>information</b> 22:18  23:12,18 48:1  <b>informed</b> 24:4  35:19  <b>input</b> 50:1  <b>inquired</b> 17:15  <b>insight</b> 23:8  <b>intend</b> 19:11 33:1  <b>interested</b> 10:1,17  <b>internal</b> 40:9  <b>interrelated</b> 40:15  <b>intertwined</b> 15:7  <b>Inupiat</b> 8:8 11:20  31:6 46:1  <b>invalidates</b> 18:18  <b>invested</b> 15:16</p>
--	---	--	---	--

<b>investment</b> 25:2	29:1,8 32:17	<b>locations</b> 22:1	39:11 44:22 49:21	<b>Oak</b> 3:5
<b>involve</b> 33:5	34:10,11 35:13,14	<b>logistical</b> 16:8	<b>money</b> 15:17 25:3	<b>obviously</b> 12:16
<b>involving</b> 7:22 12:7 22:7	36:14,16 37:10	<b>long</b> 12:19 13:10	<b>month</b> 16:6	13:8 41:2
<b>issue</b> 8:10 14:16,18	38:6,21,21 39:1	39:6	<b>months</b> 39:15	<b>occur</b> 18:12
17:2 18:19 24:22	39:11,13,15 42:5	<b>Los</b> 6:4	<b>Moring</b> 2:6	<b>occurred</b> 18:3
49:14	43:19,19 47:9,9	<b>lost</b> 25:2	<b>morning</b> 5:14 27:7	<b>OCS</b> 1:9,10 5:8
<b>issued</b> 8:3,11,12	48:20	<b>lot</b> 28:4 32:5,6 35:3	27:19	12:22 28:9,21
12:22 20:3 21:2	<b>Juneau</b> 3:21 7:4		<b>motion</b> 9:22 12:13	31:19 33:22
21:11,13,19 31:20	<b>just-in-time</b> 20:4	<b>M</b>	36:19	<b>OCSPSD</b> 8:10
<b>issues</b> 14:13,21	21:11	<b>M</b> 2:5,10	<b>moved</b> 39:16	<b>Office</b> 2:11,15 7:17
15:6,9 20:9 24:14	<b>K</b>	<b>magnitude</b> 16:9	<b>moving</b> 17:14 50:2	26:15,17
25:20 27:5,8,12	<b>Kevin</b> 3:9 35:1	17:14	<b>MSS's</b> 48:2	<b>offshore</b> 2:2 8:12
28:4 32:7 33:20	48:10	<b>majority</b> 30:5		11:14 13:20
34:3 35:8,17	<b>key</b> 33:15	<b>making</b> 16:8 41:12	<b>N</b>	<b>Oh</b> 29:21 30:11
40:15,22 41:3	<b>keyed</b> 26:11 41:21	<b>Mammals</b> 20:2	<b>name</b> 11:4,7	<b>okay</b> 30:9 36:20
45:13,17 46:15	42:12	<b>management</b> 17:20	<b>National</b> 20:14	38:12 39:4,19
47:19 49:16	<b>kind</b> 13:4 40:14	19:18 21:16 28:19	<b>necessarily</b> 48:16	43:9 45:20
<b>issuing</b> 22:8	<b>know</b> 5:19 10:10	<b>Marine</b> 20:2,14	<b>necessary</b> 32:21	<b>once</b> 14:11 30:4
<b>i.e</b> 17:22	14:2,2 17:2,13	<b>Mathiascheck</b> 2:5	<b>necessities</b> 16:7	<b>ones</b> 17:18
<b>J</b>	23:10,20,22 27:18	<b>matter</b> 1:18 12:19	<b>need</b> 19:7 21:16	<b>one's</b> 16:17
<b>January</b> 19:16	27:19 30:12 39:22	16:22 23:2 25:17	27:3 28:5,13,15	<b>ongoing</b> 22:18
<b>join</b> 32:16 37:8,19	44:2 45:14	26:11 27:3 31:18	28:18 40:9,13	<b>open</b> 14:3 20:18,21
<b>joining</b> 5:15 7:18	<b>Kristi</b> 2:10 26:15	41:6,7 50:5	41:13	<b>operations</b> 10:7
<b>Jorgenson</b> 3:18 7:5	<b>Kulluk</b> 13:18	<b>matters</b> 8:20 17:4	<b>needs</b> 18:8 20:8	18:17 19:12 21:2
7:6	<b>L</b>	17:11 29:20 37:14	<b>new</b> 27:8,11 33:4	25:6
<b>Judge</b> 5:10,13 6:6	<b>L</b> 1:22	<b>Matthews</b> 2:15 7:9	36:3	<b>opportunity</b> 16:18
6:11,16,19 7:3,7	<b>laid</b> 29:5 35:13	7:9,14 26:17	<b>newest</b> 14:11	34:7 37:17 46:17
7:13,15 12:3	<b>law</b> 3:5 6:12 33:6	<b>MC</b> 2:23	<b>night</b> 11:18	47:5
15:13 18:13,21	43:1	<b>mean</b> 24:21	<b>non-recoverable</b>	<b>oppose</b> 9:9 27:2
20:7 22:2 23:7,20	<b>lawfully</b> 12:22	<b>measures</b> 23:13	16:13	31:22 32:10 35:10
29:7,19 30:9,18	<b>layer</b> 28:22	<b>meet</b> 40:7	<b>noon</b> 49:11	37:6
30:22 34:13,16,20	<b>lead</b> 48:22	<b>meetings</b> 32:5	<b>normally</b> 25:13	<b>opposed</b> 12:14
36:7,12,20 37:1	<b>leases</b> 15:18 16:1	<b>members</b> 49:18	<b>North</b> 11:21	29:22
37:21 38:10,13,17	25:8	<b>mentioned</b> 31:11	<b>Nos</b> 1:9 5:8 11:12	<b>optimistic</b> 13:8
38:22 39:2,19	<b>legal</b> 14:16,18 32:6	<b>Mexico</b> 1:8 2:2 5:7	11:15	<b>oral</b> 4:18 9:5,13,17
42:15 43:2,9 44:8	32:9	8:3 11:11	<b>note</b> 32:12 35:16	17:1 18:2 25:18
44:11 45:19 46:6	<b>letters</b> 21:3	<b>mid-week</b> 44:20,21	<b>noted</b> 12:12 27:6	33:13 34:17 36:5
46:19 47:13,18	<b>let's</b> 17:10 31:2	<b>million</b> 16:11,20	<b>notice</b> 1:19 11:18	39:10 40:21 43:10
48:6 49:7	39:19 43:9	<b>mind</b> 43:16	<b>noticed</b> 20:17,20	43:12,14 44:3,12
<b>judicial</b> 15:2	<b>light</b> 28:17	<b>Minerals</b> 17:19	<b>notices</b> 19:11	45:12 46:7,10
<b>Juliane</b> 2:15 26:17	<b>limited</b> 14:1 42:11	21:16	<b>notifications</b> 19:14	47:3,11,14 48:13
<b>Julie</b> 2:14 7:9,11	<b>line</b> 6:9,22 7:2	<b>MMPA</b> 20:9	<b>novel</b> 41:20	48:14
26:16	43:18	<b>MMS</b> 15:18 21:18	<b>NPDS</b> 19:10	<b>orchestrated</b> 17:15
<b>July</b> 14:5,6 21:14	<b>little</b> 11:10	21:20 22:8,15	<b>NRDC</b> 37:5 46:21	<b>order</b> 5:17,18 8:18
<b>June</b> 20:18 28:2	<b>live</b> 24:16	23:11	<b>Number</b> 5:7	18:15 31:4 48:4
	<b>LLP</b> 2:6	<b>mobilization</b> 16:9	<b>N.W</b> 1:15 2:6,12,24	49:14,19
		<b>Monday</b> 34:10 39:1	<b>O</b>	<b>Oregon</b> 3:6

<b>ought</b> 42:6	<b>petition</b> 9:13 11:21 14:11,17 26:22 27:12,16,17,21 31:16 35:8	<b>present</b> 24:14 33:1	<b>purview</b> 29:4	29:10 30:4 33:7,8
<b>outcome</b> 13:9,10,11	<b>petitioners</b> 9:8,12 10:16,17,22 12:15 12:17 25:15,19 26:5 27:10 28:10 29:5 30:14 31:2 31:17 33:2,18 34:6 37:5,8,16 39:22 41:12 42:6 42:17 45:21	<b>presented</b> 33:10 35:5 41:1	<b>put</b> 9:16 28:15	<b>records</b> 13:2 30:6 32:4
<b>outer</b> 7:22	<b>petitioner's</b> 36:3	<b>President</b> 22:11	<b>P-R-O-C-E-E-D-...</b> 5:1	<b>refer</b> 12:10
<b>outlined</b> 40:13	<b>petitions</b> 7:21 13:3 14:15 24:9,11 25:16 27:5,9 28:12 30:2 32:1 37:14	<b>presiding</b> 5:11	<b>p.m</b> 1:19 5:2 50:5	<b>regard</b> 11:14
<b>overall</b> 28:9	<b>phone</b> 6:1 31:12	<b>Presumably</b> 33:5	<hr/> <b>Q</b> <hr/>	<b>regarding</b> 23:13
<b>overlap</b> 32:4	<b>place</b> 10:9	<b>presume</b> 11:17 12:6	<b>question</b> 31:21 32:11 44:15 48:13	<b>Region</b> 2:16 7:8 10:15,17,19 12:14 12:21 19:14 24:8 24:11 25:21 26:17 26:20 40:6 41:22
<b>overly</b> 24:21	<b>plan</b> 17:19 18:10 19:19 48:3	<b>pretty</b> 14:9	<b>questions</b> 33:16 34:15 46:12	<b>Regional</b> 2:15 26:18
<hr/> <b>P</b> <hr/>	<b>planned</b> 14:4 21:13	<b>prevention</b> 8:1	<b>quick</b> 18:5	<b>Region's</b> 37:18
<b>P</b> 3:18	<b>planning</b> 16:8	<b>previous</b> 14:14 21:10	<b>quickly</b> 16:22 17:11 18:8 43:10 45:16	<b>Register</b> 20:14,17
<b>panel</b> 18:4,7 49:16 49:18	<b>plans</b> 18:18	<b>previously</b> 31:10	<hr/> <b>R</b> <hr/>	<b>relating</b> 16:1
<b>paper</b> 30:16	<b>please</b> 5:12 11:4 31:7 37:2 48:6	<b>primary</b> 32:20	<b>R</b> 3:14	<b>relevant</b> 29:10
<b>papers</b> 32:18	<b>point</b> 15:17,21 16:5	<b>principal</b> 17:18	<b>raise</b> 14:16,20 36:4 37:14	<b>relief</b> 13:22
<b>Pardee</b> 48:21	<b>Portland</b> 3:6 6:13	<b>probably</b> 45:15	<b>raised</b> 14:13 25:20 27:5,8,9 28:4,10 30:1 46:15	<b>remanding</b> 13:6
<b>part</b> 39:11 40:10	<b>position</b> 29:2,20 37:18 43:3 46:7	<b>proceeds</b> 25:12	<b>raises</b> 14:12,18	<b>removed</b> 41:9
<b>participate</b> 6:1,2	<b>positions</b> 47:6	<b>proceed</b> 9:5,20 14:9 16:17 17:7 17:17	<b>raising</b> 41:2	<b>render</b> 19:8
<b>participation</b> 41:5 41:6	<b>possible</b> 14:5 16:16 16:22 17:5,11 43:22 45:10 49:14 49:19	<b>proceedings</b> 10:11 33:13	<b>reach</b> 35:19	<b>rendered</b> 22:10
<b>particular</b> 45:13	<b>posted</b> 11:22	<b>process</b> 21:18 23:8	<b>read</b> 10:2	<b>replica</b> 27:17
<b>parties</b> 15:3 30:13 31:12 32:14 34:18 43:18 44:4 45:13 46:17	<b>potential</b> 9:16 25:3	<b>processing</b> 22:16	<b>ready</b> 6:1	<b>replies</b> 34:10 35:14 36:15 37:16 42:14
<b>parts</b> 17:14 33:6	<b>potentially</b> 22:1	<b>program</b> 17:21	<b>realities</b> 13:20	<b>reply</b> 9:3,11 10:21 11:1 12:18 25:11 26:4 29:3 32:19 32:21 33:11,19 34:7,9 37:10,15 37:19 38:7,8,11 38:19 39:12 40:16 41:13,15,18 42:7 42:11 48:17
<b>pending</b> 10:5 24:9	<b>precedential</b> 33:20 46:15	<b>progresses</b> 13:13	<b>really</b> 33:14 34:4 35:18 40:14 43:13	<b>report</b> 22:10
<b>Pennsylvania</b> 2:6 2:12,24	<b>precise</b> 11:9	<b>project</b> 17:13	<b>reason</b> 21:12 22:15 33:17 34:5 39:12 42:1	<b>reporter</b> 11:4
<b>periods</b> 20:22	<b>prep</b> 45:2	<b>proposal</b> 29:13 32:12 35:12 36:6 36:9 39:21	<b>readiness</b> 6:1	<b>represent</b> 11:5,7,10 11:14 12:8 44:5 47:5 49:3
<b>permission</b> 22:5	<b>prepare</b> 42:6 45:15	<b>propose</b> 23:5 29:9	<b>realities</b> 13:20	<b>representative</b> 5:22
<b>permit</b> 1:10 5:7 8:2 8:10 11:13 13:18 19:11,12 22:17 31:17	<b>prepared</b> 10:13,19 10:22 17:12 24:17	<b>proposed</b> 8:18 24:7 24:8 29:8	<b>really</b> 33:14 34:4 35:18 40:14 43:13	<b>represented</b> 32:18 32:22 49:9
<b>permits</b> 10:4 12:22 13:6 14:17,19,22 17:16 21:17,21 22:8 24:2,13,15 26:20 28:8,13,14 30:3 31:19 32:2,6 32:9 46:16		<b>proposes</b> 8:22	<b>reasoning</b> 37:11	<b>represents</b> 25:2,5
<b>Permittee</b> 2:2		<b>proposing</b> 38:5,7 38:19,20 39:12	<b>reasons</b> 24:20 29:22 32:21 40:13	<b>request</b> 9:17 10:2 29:1 34:11 37:19 44:19
<b>permittees</b> 34:1		<b>Protection</b> 1:1 2:9 2:12,22 5:5 20:2	<b>receive</b> 21:8 22:20 42:9	<b>requested</b> 8:19
<b>permitting</b> 28:9,21 30:6 33:22		<b>provide</b> 23:18 24:10 25:18 26:3 37:16 40:21 48:4 48:18	<b>received</b> 11:18 19:13 47:22	
<b>perspective</b> 30:7 49:4		<b>provided</b> 25:14,16 34:9	<b>recognize</b> 13:14 17:9	
		<b>public</b> 20:18,20,22	<b>recommend</b> 34:8	
		<b>published</b> 20:13	<b>recommendations</b> 22:12	
		<b>pursuant</b> 1:19 5:16	<b>record</b> 5:21 11:5 15:11 18:5 28:5	

9:10 28:3  
**requesting** 34:6  
**requests** 9:2  
**require** 10:6 24:8  
**required** 17:16  
**requires** 19:9  
**resolution** 12:14  
 18:20 22:22 26:9  
 40:18  
**resolved** 18:8  
**resources** 15:2  
**respect** 9:13 11:11  
 14:17,19,22 20:1  
 20:6,9 21:3 24:5  
 24:15 26:9 29:6  
**respective** 25:21  
**respond** 24:9 25:19  
 27:1,4 39:20 43:7  
 48:12  
**responding** 26:19  
**response** 9:1,6  
 10:13,19 16:4  
 29:11 32:15 33:4  
 36:9,18 38:6  
 39:21 40:2,16  
 41:1,17 42:18  
 43:4,4,7,15  
**responses** 25:21,22  
 28:15 29:18 35:13  
 36:3,13 41:18,22  
 42:9,13 45:11  
**retrofitting** 16:3  
**review** 12:13 14:8  
 17:12 23:8 28:19  
 31:16,18 32:1  
 37:7,9 40:10  
 45:11  
**right** 12:18 25:13  
 26:2 30:9 31:1  
 34:13 36:20 37:21  
 38:22 41:15 42:11  
 44:8 45:19 46:19  
 47:16,18 49:1,7,8  
**rigorous** 13:1  
**Rios** 2:23  
**rise** 5:3  
**room** 7:16

**ruled** 48:1  
**ruling** 34:3  
**running** 42:8  
**runs** 16:19  
**R.B** 2:15  
**R10OCS/PSD-A...**  
 1:11 5:8

---

**S**

---

**safety** 23:13,13  
**sake** 12:10  
**San** 3:11 6:7  
**Sanerib** 3:4 4:14  
 6:14,15 31:8,9  
 34:14,19 38:16,20  
 39:1,4 42:20,22  
 46:2,3,9  
**Sarah** 2:5 47:21  
**saying** 40:9 48:7  
**schedule** 9:16 19:5  
 23:5 24:6,7,16  
 26:7,8,12 32:12  
 35:11 36:15 37:9  
 39:7,18 49:5  
**scheduled** 22:10  
 23:1 39:15 44:3  
 44:20  
**scheduling** 5:18  
 8:18  
**scrutiny** 28:22  
**Sea** 8:4,13 12:4  
 27:14,20  
**seas** 14:3 16:16  
 17:22 19:20  
**season** 14:1 16:12  
 17:22 21:14  
**seasons** 21:10 25:6  
**seated** 5:12  
**Seattle** 2:17  
**second** 8:10  
**see** 9:12 15:5 21:12  
 30:5 43:14  
**seeking** 21:22  
**sees** 25:17 41:15  
**seismic** 16:2  
**sense** 10:8 30:8  
**senses** 28:10

**separate** 35:7  
**separately** 15:6  
**service** 17:20 20:15  
 21:5,7,16 30:15  
 42:13  
**session** 5:6  
**set** 25:15,17 26:6  
 45:12  
**setting** 45:7  
**shared** 30:6  
**shelf** 8:1  
**Shell** 1:8 2:2,2 5:7  
 6:4 7:16 8:3,12,18  
 8:22 9:4,21 10:6  
 11:2,8,10,14  
 12:11,21 13:11,14  
 13:22 14:1 15:16  
 15:21 16:6,10  
 17:17 18:6 19:9  
 19:19 21:1,5,15  
 21:19,20,22 22:9  
 22:12,14,18,20  
 23:11,17 24:9,11  
 25:7,20 26:1 27:6  
 28:3,8,10 29:4  
 30:1 31:14,20  
 32:5,14,21 35:16  
 36:4 37:17 38:1  
 39:20 40:7,13  
 41:2,22 42:4 43:5  
 44:6 47:21  
**Shell's** 12:12 16:15  
 26:22 36:18 43:3  
 48:2,3  
**short** 9:6  
**sides** 18:19  
**significant** 8:1  
**Siler** 2:4 4:12 11:6  
 11:7 12:5 15:14  
 18:16 19:3 20:10  
 22:4 23:10,22  
 40:4 43:6 44:5,10  
**similar** 13:16,21  
 35:8  
**simultaneously**  
 29:11  
**single** 14:16,18

17:22 40:1  
**situation** 25:10  
**six** 14:21  
**Sixth** 2:17  
**slightly** 32:7  
**Slope** 8:9 11:21  
 31:6 46:1  
**Smith** 2:10 4:13  
 26:14,15 29:12,21  
 30:11,20 38:9,12  
 44:13  
**SOI** 12:7,8  
**somewhat** 41:3,20  
**soon** 17:5 43:22  
 49:19  
**sooner** 23:19  
**sorry** 22:3 38:10,11  
 38:14,18 48:10  
**sort** 26:12  
**sought** 31:18  
**SO-155** 2:17  
**space** 13:19  
**speak** 9:19 24:6  
 44:12  
**speaking** 35:7  
**Species** 20:2  
**specific** 27:13  
**specifically** 26:21  
 27:1  
**spend** 16:10  
**spill** 16:4  
**spoken** 44:14  
**St** 3:10  
**stand** 10:8  
**standing** 41:7  
**stands** 49:8  
**start** 6:3 9:21  
**state** 11:4 19:15  
**stated** 33:21  
**States** 1:1 5:5  
**status** 1:4 5:6  
**step** 21:18  
**Street** 3:5,19  
**strong** 28:5  
**subject** 9:22  
**submit** 23:12 40:11  
**submitting** 34:2

**subsequent** 25:6  
**substantially** 14:21  
 32:4  
**substitutes** 48:17  
**suggested** 36:14  
 37:9  
**suite** 3:5,10,16  
 14:20  
**summer** 13:12  
 16:12 17:17,22  
 19:8  
**supplied** 22:18  
**support** 22:19  
 35:12 36:6  
**sure** 5:21 28:5,18  
 39:6 45:16 49:2  
**surprises** 41:10  
**Susan** 2:5,21  
**suspended** 22:15  
**S.W** 3:5

---

**T**

---

**take** 10:9 29:2  
**taken** 9:13 19:21  
**talk** 5:17 8:17  
 43:10  
**talking** 7:20  
**Tanya** 3:4 6:14  
 31:9 42:22 46:3  
**tell** 20:8 38:6 43:20  
**tend** 20:3  
**tentative** 45:8  
**terms** 31:21 32:11  
 35:6,7,11 37:11  
 39:17  
**text** 48:4  
**thank** 6:9,11,16  
 7:13,14 11:6  
 26:13 30:10,22  
 34:18 36:21,22  
 37:21 39:2 44:8  
 44:10 45:18,19  
 46:2,19 47:1,16  
 48:7,7 49:6,22  
**Thanks** 50:3  
**thing** 30:11 39:5  
 45:9 48:9



**things** 34:4  
**think** 14:10 24:19  
 28:13 29:4 32:8  
 32:19,20 33:2,7  
 33:12,17 40:1  
 43:6 44:17 46:11  
 46:16 47:3,8  
 48:16 49:3  
**thinking** 45:10  
**thoughtfully** 27:4  
**thoughts** 32:9  
**three** 13:19 49:16  
**thrown** 32:13  
**Thursday** 1:13  
 44:22 45:6  
**time** 9:6 16:16 18:3  
 19:18 21:13 23:4  
 23:6 24:18 27:4  
 28:1,3,15,19,21  
 34:16 42:8 46:6  
**timely** 21:8  
**timing** 10:11 39:17  
**today** 5:16 8:17 9:2  
 12:1  
**token** 22:14 40:12  
**tomorrow** 49:11,14  
 49:20,20  
**topics** 33:15  
**track** 20:5 23:4  
**tragic** 22:7  
**travel** 45:1  
**true** 27:6  
**try** 49:18  
**trying** 36:2  
**Tuesday** 44:22  
 45:6  
**turn** 31:2 39:19  
**two** 7:21 12:22 14:3  
 14:19 29:15,20  
 30:1 32:1,1 40:2  
 44:2,18 45:3 46:5  
 49:10,17

---

**U**

---

**ultimately** 35:22  
**underpinnings**  
 32:8

**understand** 8:22  
 9:4,8 18:21 38:5  
 41:11  
**understanding**  
 10:4 18:4 33:9  
**understands** 18:7  
**undertaken** 23:14  
**unheard** 42:2  
**UNIT** 1:9  
**United** 1:1 5:4  
**upholding** 48:2  
**urge** 26:6,10  
**useful** 46:16  
**usually** 45:2  
**U.S** 2:22

---

**V**

---

**valid** 18:10  
**value** 13:11  
**vast** 30:5  
**Vera** 48:21  
**Vergeront** 2:14  
 7:11,11 26:16  
**vessels** 16:3  
**video** 47:11,14  
**view** 16:15  
**views** 10:17 26:22

---

**W**

---

**W** 3:16  
**waiting** 18:14  
**wake** 22:6 23:9  
**want** 5:22 32:16  
 36:4 38:2 39:7  
 45:11,14,17  
**wanted** 17:2 30:12  
 31:13 43:17 48:12  
**wants** 32:14  
**warrant** 13:6  
**warranted** 32:19  
**Washington** 1:15  
 2:7,13,17,25  
**way** 14:9 24:2 33:7  
**website** 12:2  
**Wednesday** 44:21  
 45:5  
**week** 18:3 28:2  
 48:20

**weeks** 13:19 43:19  
 44:2,6,18 46:5  
 47:9 49:10  
**wells** 23:15  
**weren't** 38:11  
**West** 45:2  
**we'll** 9:18 10:15  
 30:16,20 34:17  
**we're** 5:16 8:17  
 13:15 24:16,17  
 39:6 45:16  
**we've** 24:3,8  
**Whaling** 3:2 8:8  
 11:19 27:10 31:4  
 45:22  
**Wildlife** 21:4,7  
**Winter** 3:4 6:17,18  
 31:11 39:14  
**wish** 26:1  
**wished** 29:14  
**Wolgast** 1:22 5:10  
 5:13 6:6,11,16,19  
 7:3,7,13,15 12:3  
 15:13 18:13,21  
 20:7 22:2 23:7,20  
 29:7,19 30:9,18  
 30:22 34:13,16,20  
 36:7,12,20 37:1  
 37:21 38:10,13,17  
 38:22 39:2,19  
 42:15 43:2,9 44:8  
 44:11 45:19 46:6  
 46:19 47:13,18  
 48:6 49:7  
**work** 26:16 45:4,6  
 49:5  
**workable** 29:16  
**working** 21:19,20  
 24:17  
**world** 42:2  
**wouldn't** 18:22  
**write** 39:3  
**writing** 29:17 33:4  
**written** 33:10  
 35:22 36:18 37:16  
 38:4 48:17

---

**Y**

---

**year** 13:22 19:6  
**years** 15:19 34:5  
**yesterday** 11:22  
 31:16

---

**Z**

---

**Zone** 19:18

---

**1**

---

**1/2** 16:20  
**10** 2:16 7:8 10:15  
 10:17,19 12:14  
 14:6 19:14 24:8  
 24:11 26:17 34:9  
 36:10,12,17 38:20  
 41:16,22 42:17,18  
**10th** 5:17  
**10-01** 1:9 5:8  
**10-02** 1:10 5:9  
**10-03** 1:10 5:9  
**10-1** 11:12,15  
**10-2** 11:12,15  
**10-3** 11:12  
**10-4** 11:17 12:7  
**1001** 2:6  
**11** 4:12  
**1103B** 2:23  
**1152** 1:14  
**1200** 2:12,17,24  
**1201** 1:15  
**13** 1:13  
**14th** 34:10,11  
 35:14 36:16 37:10  
 37:20 38:21 39:1  
 39:13 43:19 47:9  
 48:20  
**15** 9:1 36:8  
**18** 23:12  
**18th** 23:18  
**19** 20:20,21

---

**2**

---

**2** 16:20  
**2:00** 1:19  
**2:04** 5:2  
**2:48** 50:5

**20004** 2:7  
**2007** 13:17  
**2009** 21:6  
**2010** 1:13 16:12  
 20:19  
**202** 2:8,13,25  
**20460** 2:13  
**20460-0001** 2:25  
**206** 2:18  
**21st** 43:20 47:9  
 48:20  
**233-0122** 2:25  
**25** 24:10  
**26** 4:13  
**277-2500** 3:17  
**28** 24:10  
**28th** 22:9,21 24:3  
 32:15 40:5

---

**3**

---

**3** 15:22  
**300** 16:11  
**301** 3:16  
**31** 4:14  
**325** 3:19  
**35** 4:16  
**351** 3:10  
**37** 4:17

---

**4**

---

**4** 42:5  
**4th** 14:6 28:2 29:1  
 29:8 32:17 35:13  
 36:14 38:6,21  
**415** 3:12  
**417** 3:5  
**43** 4:18  
**436-9682** 3:12  
**441** 3:16

---

**5**

---

**5th** 3:16  
**503** 3:6  
**525-2722** 3:6  
**553-1169** 2:18  
**564-3064** 2:13  
**586-2751** 3:22

---

**6**

---

**600** 3:10**624-2500** 2:8

---

**7**

---

**7** 20:17,18**7th** 39:11,16

---

**9**

---

**9th** 8:11 18:2,11,14

18:17 19:1,5,6

39:10 48:1

**907** 3:17,22**917** 3:5**94104** 3:11**97205** 3:6**98101** 2:17**99501** 3:17**99801** 3:21