

**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON DC**

In re:	)	
	)	
Shell Offshore Inc.	)	
Kulluk Drilling Unit and	)	
	)	OCS Appeal Nos. 08-01, 08-02, and 08-03
	)	
OCS Permit No. R10OCS-AK-07-01	)	
(Revised)	)	
	)	
	)	

**SHELL OFFSHORE INC.'S OPPOSITION TO AWL, ET AL.'S REQUEST FOR  
EXTENSION OF TIME TO FILE PETITIONERS' RESPONSE  
FROM OCTOBER 20, 2008 TO OCTOBER 28, 2008**

Duane A. Siler  
Susan M. Mathiascheck  
PATTON BOGGS LLP  
2550 M Street N.W.  
Washington DC 20037  
Telephone: 202-457-6000  
Facsimile: 202-457-6315  
dsiler@pattonboggs.com  
smathiascheck@pattonboggs.com

*Attorneys for Shell Offshore Inc*

On October 1, 2008, Petitioners Alaska Wilderness League, et al. (“AWL”) filed a motion requesting that they be given until October 28, 2008 to file their reply brief in this consolidated proceeding. Under the Board’s Order Revising Briefing Schedule, dated August 18, 2008, AWL’s reply brief currently would be due October 20, which is 14 days after EPA and Shell Offshore Inc. must file their responses to AWL’s petition for review.

As counsel for SOI advised counsel for AWL, under normal circumstances SOI would not object to extending this courtesy. But the circumstances confronting SOI are far from normal. Time is of the essence in completing the briefing of the consolidated appeals so that the Board can begin its review and render a decision at the earliest possible date. Every day that this process is prolonged is a threat to SOI’s ability to conduct 2009 operations because long lead times are required to complete necessary contracting for equipment and services, mobilize vessels to the Beaufort Sea from other operation centers around the world, identify and secure appropriate crew, and provision the fleet.

Upon motion from AWL, the Board previously extended the briefing schedule by six weeks (from September 5 to October 20). While SOI did not oppose that extension premised on Petitioners’ potential need to address any supplementation of the record by Region 10, that six week extension already presents a serious threat to SOI’s proposed 2009 operations. As critical contracting decision points approach, another week’s delay in EAB’s decision-making would compound the complications created by the previous extension of the schedule. Accordingly, SOI opposes AWL’s request. If, however, the Board decides to extend the briefing schedule to accommodate AWL, we respectfully urge the Board to mitigate the potential hardship to SOI by starting its review of the appeals of Petitioners’ North Slope Borough, *et al.* and Bill MacClarence on October 20, 2008 (by which time those two appeals will have been fully

briefed) and expediting its review of AWL's petition for review after AWL files its reply brief on October 28, 2008. Regardless of whether the Board grants AWL's request, SOI respectfully requests that the Board convene any oral argument immediately after submission of AWL's reply, and that the Board issue a final decision in these consolidated proceeding before December 31, 2008.

DATED this 6th day of October 2008.

Respectfully submitted,

PATTON BOGGS LLP  
Attorneys for Shell Offshore Inc.



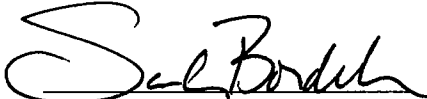
---

Duane Siler  
Susan M. Mathiascheck  
2550 M Street NW  
Washington DC 20036  
Telephone: 202-457-6000  
Facsimile: 202-457-6315

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Opposition to Request for Extension of Time was electronically filed with the Environmental Appeals Board and sent via Electronic Mail on the 6<sup>th</sup> day of October, 2008, and sent via First Class Mail on the 7<sup>th</sup> of October, 2008, to the following:

Chris Winter Crag Law Center 917 SW Oak St., Suite 417 Portland, OR 97205 Phone: (503) 525-2725 Facsimile: (503) 296-5454 Email: chris@crag.org	Juliane Matthews Edward Kowalski, Regional Counsel Office of Regional Counsel U.S. EPA, Region 10 1200 Sixth Avenue Seattle, WA 98101 Phone: (206) 553-1083 Facsimile: (206) 553-0163 Email: matthews.juliane@epa.gov
Peter Van Tuyn Bessenyey & Van Tuyn, L.L.C. 310 K. St. #200 Anchorage, AK 99507 Phone: (907) 278-2000 Facsimile: (907) 278-2004 Email: pvantuyn@earthlink.net	Janis Hastings, Director Office of Air Quality U.S. EPA, Region 10 1200 Sixth Avenue Seattle, WA 98101
Eric Jorgensen EARTHJUSTICE 325 Fourth Street Juneau, AK 99801 Phone: (907) 586-2751 Facsimile: (907) 4635891 Email: ericj@earthjustice.org	Bill MacClarence, P.E. 10840 Glazanof Drive Anchorage, AK 99507 Phone: (907) 346-1349 Email: billnjan@gci.net

  
Sarah Bordelon, Associate