

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

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

**SHELL OFFSHORE INC.'S OPPOSITION TO
(1) NORTH SLOPE BOROUGH, ET AL.'S REQUEST FOR
EXTENSION OF TIME TO FILE PETITIONERS' REPSONSE AND
(2) BILL MACCLARENCE'S REQUEST FOR ADDITIONAL TIME**

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

1. On October 1, 2008, Petitioners Alaska Wilderness League, et al. (“AWL”) filed a motion requesting that they be given an additional eight days, from October 20 until October 28, 2008, to file their reply brief in this consolidated proceeding. On October 6, 2008, Shell Offshore Inc. (“SOI”) filed its opposition to AWL’s request. On October 8, 2008, Petitioners North Slope Borough, et al. (“NSB”) filed a letter request seeking also to extend the deadline for their reply brief by the same eight days.

Counsel for NSB did not consult counsel for SOI before filing its request, and SOI is opposed to any extension. Extraordinary circumstances exist in this case. As explained in SOI’s opposition to AWL’s extension request, 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. If, over SOI’s objection, the Board accommodates AWL’s counsel with an extension until October 28, under the current briefing schedule the Board could still begin reviewing the briefs of the other Petitioners commencing on October 21.

In the face of these extraordinary circumstances, NSB has adduced no justification for delaying the submission of its brief. NSB’s motion recites that it would like to coordinate its brief with AWL’s, but “because of the schedule of [AWL’s counsel],” they will be unable to “discuss and coordinate” their responses. Even in a normal case, the unavailability of one litigant’s counsel would have no bearing on the established deadlines to which other aligned parties and their counsel are subject.

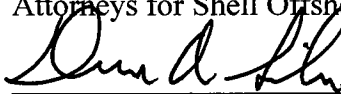
There is no reason why NSB and AWL cannot coordinate after the fact. NSB can file a timely brief on October 20—the longstanding deadline under the Board’s scheduling order—presenting all of the arguments and points it wishes to make. If AWL is granted an extra week (over SOI’s opposition), it need only supplement NSB’s arguments as it thinks necessary. This approach would conserve the Board’s resources more effectively than filing two overlapping briefs.

2. On October 3, 2008, Petitioner Bill MacClarence filed a letter request for “additional time to seek comment from all American Industry” in the event that the Board grants the request of the American Petroleum Institute for leave to file a brief as an amicus curiae. SOI opposes this ambiguous and completely open-ended request. Mr. MacClarence’s request is based on his assertion that EPA’s issuance of the *Kulluk* permit somehow reflects preferential treatment for the oil and gas industry. No other industry or company raised any such issue during the public comment period on the permit, nor has any other industry or company objected to issuance of the permit, or petitioned the Board for review. Any opponent of the *Kulluk* permit has had ample opportunity to come forward without the need for solicitation by Mr. MacClarence. Consequently, Mr. MacClarence’s request should be denied.

DATED this 9th day of October 2008.

Respectfully submitted,

PATTON BOGGS LLP
Attorneys for Shell Offshore Inc.



Duane A. 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 and Request for Additional Time was electronically filed with the Environmental Appeals Board and sent via Electronic Mail on the 9th day of October, 2008, and sent via First Class Mail on the 10th 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