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ENVIR. APPEALS BOARD

August 15, 2007

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By Hand

Hon. Kathie A. Stein  
Environmental Appeals Board  
U.S. Environmental Protection Agency  
1341 G Street NW  
Suite 600  
Washington, 20005

Re: In re Shell Offshore Inc, OCS Appeal Nos. 07-01 & 07-02

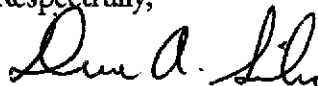
Dear Judge Stein:

As agreed at the hearing in this matter on August 10, 2007, we are writing to provide additional information about the current status of related proceedings in the U.S. Court of Appeals for the Ninth Circuit.

On August 14, 2007, the Ninth Circuit held a hearing on whether the temporary stay of the challenged MMS approval of SOI's exploration plan, which the Court had entered pending a hearing on Petitioner's application for an injunction, should be continued. Today the Court entered the enclosed order which continues the stay and establishes a merits briefing schedule. The Court's order, unless modified, appears to preclude exploration activity pending resolution of the pending appeals before the Court. SOI would still respectfully ask that the Board reach an early decision on the Petitions for Review, though perhaps on a less urgent schedule than the Board might have contemplated.

We will advise Your Honor promptly of any developments in the Ninth Circuit cases. Please do not hesitate to contact me if the Board wishes more information.

Respectfully,



Duane A. Siler  
Counsel for Shell Offshore Inc.

August 15, 2007  
Page 2

Cc: with enclosures

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

AUG 15 2007

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

ALASKA WILDERNESS LEAGUE;  
NATURAL RESOURCES DEFENSE  
COUNCIL, INC.; PACIFIC  
ENVIRONMENT AND RESOURCES  
CENTER,

No. 07-71457

Petitioners,

v.

DIRK KEMPTHORNE, et al.,

Respondent,

SHELL OFFSHORE, INC.,

Respondent - Intervenor.

RESISTING ENVIRONMENTAL  
DESTRUCTION ON INDIGENOUS  
LANDS, A PROJECT OF THE  
INDIGENOUS ENVIRONMENTAL  
NETWORK; CENTER FOR  
BIOLOGICAL DIVERSITY AND  
SIERRA CLUB,

No. 07-71989

Petitioner,

v.

DIRK KEMPTHORNE, et al.,

Respondent,  
 SHELL OFFSHORE, INC.,  
 Respondent - Intervenor.

NORTH SLOPE BOROUGH; ALASKA  
 ESKIMO WHALING COMMISSION,  
 Petitioners,  
 v.  
 DIRK KEMPTHORNE, et al.,  
 Respondent,  
 SHELL OFFSHORE, INC.,  
 Respondent - Intervenor.

No. 07-72183

DOI No. 2007-152

ORDER

Before: SCHROEDER, Chief Judge, HAWKINS and WARDLAW, Circuit Judges.

Petitioners in these consolidated petitions for review have (1) shown a probability of success on the merits, combined with the possibility of irreparable harm if relief is denied, and (2) raised serious questions and demonstrated that the balance of hardships tips sharply in their favor. *See Earth Island Inst. v. U.S. Forest Serv.*, 351 F.3d 1291, 1297 (9th Cir. 2003); *Lopez v. Heckler*, 713 F.2d 1432, 1435 (9th Cir.), *rev'd in part on other grounds*, 463 U.S. 1328 (1983). Therefore, the

urgent motions to stay the Minerals Management Service's February 15, 2007, approval of Shell Offshore's Beaufort Sea Outer Continental Shelf Lease Exploration Plan are GRANTED pending resolution of these consolidated petitions for review.

The court *sua sponte* expedites the briefing schedule. Petitioners' opening briefs are due September 5, 2007. Respondent's answering brief is due October 5, 2007. Respondent-intervenors' brief is due October 19, 2007. Petitioner's optional reply brief is due on November 5, 2007 by 3:30 pm in the Clerk's office.

The provisions of Ninth Circuit Rule 31-2.2(a) shall not apply to this petition. The parties are reminded of the court's preference for joint briefing. See 9th Cir. R. 28-4.

The Clerk shall calendar this case with the first available panel during the week of December 3, 2007 through December 7, 2007.

**SO ORDERED.**