

Duane A. Siler  
Sarah C. Bordelon  
Crowell & Moring LLP  
1001 Pennsylvania Ave. N.W.  
Washington, D.C. 20004  
Telephone: 202-624-2500  
Facsimile: 202-628-5116  
dsiler@crowell.com

*Attorneys for Shell Offshore Inc. and  
Shell Gulf of Mexico Inc.*

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

|                                      |                                     |
|--------------------------------------|-------------------------------------|
| _____ )                              |                                     |
| In re: )                             |                                     |
| )                                    |                                     |
| Shell Gulf of Mexico Inc. )          |                                     |
| Frontier Discoverer Drilling Unit )  |                                     |
| OCS Permit No. R10OCS/PSD-AK-09-01 ) | OCS Appeal Nos. 10-01 through 10-04 |
| and )                                |                                     |
| )                                    |                                     |
| Shell Offshore Inc. )                |                                     |
| Frontier Discoverer Drilling Unit )  |                                     |
| OCS Permit No. R10OCS/PSD-AK-09-02 ) |                                     |
| _____ )                              |                                     |

**OPPOSITION OF SHELL GULF OF MEXICO INC. AND SHELL OFFSHORE INC.  
TO EPA REGION 10 MOTION FOR EXTENSION OF TIME**

Shell Gulf of Mexico Inc. and Shell Offshore Inc. (collectively, “Shell”) hereby oppose Region 10’s January 7, 2011 motion to extend the deadline for filing its motion for reconsideration or clarification of the Board’s December 30, 2010 Order Denying Review in Part and Remanding Permits (“Order”). Region 10 seeks to extend the deadline for nine days, from January 12 to January 21, 2011. As the Board knows from Shell’s motion for expedited review of these petitions and Shell’s other submissions in this matter, every day counts in obtaining effective PSD permits, so as to enable Shell to make timely decisions concerning exploration of its Arctic OCS leases during the limited summer 2011 drilling season. *See Urgent Request of Shell Gulf of Mexico, Inc. and Shell Offshore Inc. and for Leave to Participate and Motion for Expedited and Combined Review (May 5, 2010) and attached Declaration of Peter E. Slaiby.* Shell lost the 2010 drilling season as a result of matters outside its control, including the Macondo oil spill in the Gulf of Mexico and the pendency of petitions for review of these PSD permits before the Board. Shell is now threatened with the loss of the 2011 drilling season if this Board does not expeditiously resolve any reconsideration motions or similar filings resulting from its recent Order, and Region 10 does not complete proceedings on remand as soon as possible. Shell will be prepared to file for whatever relief from the Board it may seek, if any, on or before January 12, and believes Region 10 should be able to do so as well, so that the Board can decide those motions as soon as possible.

Shell strenuously opposes Petitioners’ opportunistic attempt to leverage Region 10’s motion for extension of time as a means of securing additional time for their opposition to Region 10’s reconsideration motion. Petitioners purported to condition their “consent” to Region 10’s requested extension on the Board granting them an extension to for any opposing filing to February 14, 2011. This is highly irregular and, more important, taken together with the

extension requested by Region 10 would extend by three weeks the time required for briefing Region 10's motion for reconsideration.<sup>1</sup> Petitioners have demonstrated no justification why they should be afforded over 20 days to respond to Region 10's motion and the Board should not grant this extension to Petitioners.

For the foregoing reasons Region 10's motion for extension should be denied and, regardless of whether it is granted or not, Petitioners should be required to file any opposition to Region 10's reconsideration motion within 10 days, in accordance with the Board's Practice Manual.

Respectfully submitted,

/s/ Duane A. Siler  
Duane A. Siler  
Sarah C. Bordelon  
Crowell & Moring LLP  
1001 Pennsylvania Ave. NW  
Washington DC 20004  
Telephone: 202-624-2500  
Facsimile: 202-628-5116

*Attorneys for Shell Offshore Inc. and  
Shell Gulf of Mexico Inc.*

DATED: January 10, 2011

---

<sup>1</sup> As noted in Region 10's motion for extension, absent that extension, any motion for reconsideration must be filed on or before January 12, 2011. Any opposition to that motion would have to be filed on or before Monday, January 24, 2011, a total of 25 days after entry of the Order. If Region 10 were allowed to file a reconsideration motion on January 21, 2011, Petitioners' opposition would be due within 10 days, on or before January 31, 2011. Petitioners seek to extend that date by 14 days, until February 14, 2011, which is some 46 days after entry of the Order.

## CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Opposition of Shell Gulf of Mexico Inc. and Shell Offshore Inc. to EPA Region 10 Motion for Extension of Time to be served by electronic mail upon:

Kristi M. Smith  
Office of General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2344A)  
Washington, DC 20460  
Tel: (202) 564-3064  
Fax: (202) 202-501-0644  
smith.kristi@epa.gov

Julie Vergeront  
Juliane R.B. Matthews  
Office of Regional Counsel  
U.S. EPA, Region 10, Suite 900  
1200 Sixth Ave., SO-158  
Seattle, WA 98101  
Tel: (206) 553-1169  
Fax: (206) 553-0163  
vergeront.julie@epa.gov  
matthews.juliane@epa.gov

Vera P. Pardee  
Kevin P. Bundy  
Center for Biological Diversity  
351 California Street, Suite 600  
San Francisco, CA 94104  
Tel: (415) 436-9682 ext. 317 (VP)  
Tel: (415) 436-9682 ext. 313 (KB)  
Fax: (415) 436-9683  
vpardee@biologicaldiversity.org  
kbundy@biologicaldiversity.org

Brendan R. Cummings  
Center for Biological Diversity  
P.O. Box 549  
Joshua Tree, CA 92252  
Tel: (760) 366-2232  
Fax: (760) 366-2669  
bcummings@biologicaldiversity.org

David R. Hobstetter  
Erik Grafe  
EarthJustice  
441 W 5<sup>th</sup> Avenue, Suite 301  
Anchorage, AK 99501  
Tel: (907) 277-2500  
Fax: (907) 277-1390  
dhobstetter@earthjustice.org  
egrafe@earthjustice.org

Eric P. Jorgensen  
EarthJustice  
325 Fourth Street  
Juneau, AK 99801  
Tel: (907) 586-2751  
Fax: (907) 463-5891  
ejorgensen@earthjustice.org

Tanya Sanerib  
Christopher Winter  
Crag Law Center  
917 SW Oak Street, Suite 417  
Portland, OR 97205  
Tel: (503) 525-2722  
Fax: (503) 296-5454  
tanya@crag.org  
chris@crag.org

/s/ Duane A. Siler

Duane A. Siler

CROWELL & MORNING LLP

1001 Pennsylvania Ave., NW

Washington, D.C. 20004-2595

Telephone: (202) 624-2500

Facsimile: (202) 628-5116

dsiler@crowell.com

DATED: January 10, 2010