

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

_____)	
In re:)	
)	
Shell Gulf of Mexico Inc.)	OCS Appeal Nos. 10-01 through 10-04
Shell Offshore Inc.)	
Frontier Discoverer Drilling Unit)	
)	
OCS Permit No. R10OCS/PSD-AK-09-01)	
OCS Permit No. R10OCS/PSD-AK-2010-01))	
_____)	

**SHELL GULF OF MEXICO INC.'S AND SHELL OFFSHORE INC.'S
OPPOSITION TO PETITIONERS' MOTION TO RESCHEDULE THE DATE FOR THE
MERITS HEARING**

Duane A. Siler
Susan M. Mathiascheck
Sarah C. Bordelon
Antonio G. Mendoza
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 Gulf of Mexico
Inc. and Shell Offshore Inc.*

Shell Gulf of Mexico Inc. and Shell Offshore Inc. (collectively, “Shell”) oppose the Motion to Reschedule the Date for the Merits Hearing submitted by Petitioners AEWG and ICAS (“Petitioners”). Petitioners’ motion is an untimely attempt to extend the review of these permits by almost a month and should be denied.

Petitioners did not oppose EPA’s Motion to Reschedule Oral Argument. EPA Region 10 Unopposed Mot. To Reschedule Oral Argument (July 28, 2010), Dkt. 71, at 3. When EPA solicited comments from the parties regarding its motion, Petitioners stated they were unavailable on September 6-8 and September 10, but they did not express at that time, when it was most appropriate to do so, the further restrictions they now claim throughout the entire week of September 13th. *Id.* Only now, after the Board has already delayed oral argument by almost a month in consideration of EPA’s request, do Petitioners make a separate request for the Board to reschedule oral argument again – this time seeking a delay of an additional three weeks. Petitioners’ request would delay oral argument almost two months from the date originally set by the Board and almost four months from the date the Board heard arguments on Petitioners’ Motion to Vacate and EPA’s Motion to Hold in Abeyance. Such a lengthy delay should not be necessary where each Petitioner is represented by two or more counsel, and the Board has authorized parties to participate by videoconference.

Shell did not oppose EPA’s request to reschedule oral argument in an attempt to accommodate the parties’ schedules while preserving as much as possible the benefit of the still fairly expedited review that the Board has granted in this case. As the review of these permits extends into the fall, it further delays the potential for timely resolution. Shell has previously explained in detail how delay in the resolution of the petitions could jeopardize Shell’s ability to conduct drilling in 2011, depending upon what that resolution may be. In order to reduce the

potential for Shell to once again need to seek expedited review next spring should the Board remand the permits for any reason, Shell continues to urge the Board to avoid lengthy delays in review, such as the three-week delay sought by Petitioners in this motion.

Respectfully submitted,

/s/ Duane A. Siler

Duane A. Siler
Susan M. Mathiascheck
Sarah C. Bordelon
Antonio G. Mendoza
CROWELL & MORING LLP
1001 Pennsylvania Ave. N.W.
Washington, D.C. 20004
Telephone: 202-624-2500
Facsimile: 202-628-5116

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

Dated: August 9, 2010

CERTIFICATE OF SERVICE

I herby certify that I have caused a copy of the foregoing Opposition to Petitioners' Motion to Reschedule the Date for the Merits Hearing 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 5th 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: August 9, 2010