



EARTHJUSTICE

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INTERNATIONAL JUNEAU, ALASKA OAKLAND, CALIFORNIA
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August 15, 2007

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ENVIR. APPEALS BOARD

SENT VIA DHL COURIER

Clerk
Environmental Appeals Board
Colorado Building
1341 G Street NW, Suite 600
Washington, D.C. 20005

Re: Shell Offshore, Inc., Permit Nos. R10OCS-AK-07-01, R10OCS-AK-07-02

Dear Clerk:

Enclosed please find the original of the NOTICE REGARDING STATUS OF PETITIONS IN COURT OF APPEALS FOR THE NINTH CIRCUIT, which was filed electronically and served on all parties by electronic and first class mail today.

If you have any questions or concerns about this filing, please do not hesitate to contact me at 907-586-2751.

Thank you for your assistance.

Sincerely,

Liz Dodd
Litigation Assistant

Enclosure

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ENVIR. APPEALS BOARD

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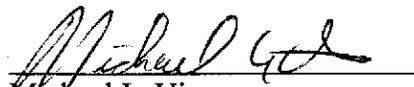
**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)
)
)
Shell Offshore, Inc.)
)
)
Permit No. R10OCS-AK-07-01,)
R10OCS-AK-07-02)

**NOTICE REGARDING STATUS OF PETITIONS IN
COURT OF APPEALS FOR THE NINTH CIRCUIT**

Pursuant to the request of the Environmental Appeals Board at the August 10, 2007, hearing on the above-captioned matter, Petitioners hereby notify the Board that the U.S. Court of Appeals for the Ninth Circuit today issued an Order granting motions to stay the Minerals Management Service's February 15, 2007, approval of Shell Offshore's Beaufort Sea Outer Continental Shelf Lease Exploration Plan pending resolution of the consolidated petitions for review. A copy of the Order is attached.

Respectfully submitted this 15th day of August, 2007.

A handwritten signature in cursive script, appearing to read "Michael LeVine", is written over a horizontal line.

Michael LeVine
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325 Fourth Street
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Attorneys for Petitioners

CERTIFICATE OF SERVICE

I, Liz Dodd, hereby certify that on August 15, 2007, true and correct copies of the NOTICE REGARDING STATUS OF PETITIONS IN COURT OF APPEALS FOR THE NINTH CIRCUIT were sent by electronic mail and first-class mail to:

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Liz Dodd, Litigation Assistant

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 15 2007

CATHY A. GATTERSON, 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.