

The eastern boundary of this section is defined as follows:

- Federal levee system from Jean Plaisance Canal to southern terminus
- Up to but not including properties abutting Highway 1 from the southern terminus of the federal levee system until Highway 1 splits from Bayou Lafourche
- Bayou Lafourche from the split with Highway 1 to the Gulf of Mexico

A-2, South Louisiana, Zone 2: This zone consists of two sections divided roughly by the Mississippi River and the developed areas surrounding it (as described in Zone B-2 in the following section). It also includes the Chandeleur Islands off the coast of the St. Bernard Parish wetlands. The western section of this zone has the following northern boundary:

- Southern bank of Intercoastal Waterway from Station No. 7 Road to the Hero Canal
- Southern bank of Hero Canal from Station No. 7 Road to canal/federal levee system west of Highway 23

The eastern boundary of the western section is as follows:

- Canal/federal levee west of Highway 23 from Hero Canal to Wilkinson Canal
- Wilkinson Canal toward Mississippi River to canal/levee west of Highway 23
- Canal/levee from Wilkinson to Deer Range Canal
- Deer Range Canal to Canal/Levee East of Hermitage Road
- Canal/Levee from Hermitage Road to Pipeline Canal
- Pipeline Canal to Highway 23 in West Pointe a la Hache
- Highway 23 from Pipeline Canal in West Pointe a la Hache to Canal/Levee in Happy Jack (southeast of Fosters Road)
- Canal/Levee from Happy Jack to eastern shore of Adams Bay west of Highway 23
- Eastern shore of Adams Bay/Long Bay/Hospital Bay/Yellow Cotton Bay from canal/levee to Spanish Pass
- Southern shoreline of Spanish Pass from eastern shore of Yellow Cotton Bay to Highway 23
- Highway 23 from Spanish Pass intersection of Venice Boat Harbor Road
- Line connecting intersection of Venice Boat Harbor Road and Pass Tante Phine
- Southern bank of Pass Tante Phine to Tiger Pass
- Eastern shore of Tiger Pass from Pass Tante Phine to the western shoreline of the Mississippi River
- Western Shoreline of Mississippi River through the Southwest Pass to the Gulf of Mexico

The southern boundary of the western section is as follows:

- Area just north of (but not including) Highway 1 from Highway 3090 to end of mainland
- Gulf of Mexico, south end of Grand Terre Islands, Lanaux Island, Shell Islands, Pelican Island, and other wetlands

The western boundary of the western section is as follows:

- Federal levee system from Intracoastal Waterway to Bayou Lafourche
- Eastern bank of Bayou Lafourche from federal levee system to Leeville Bridge
- Areas up to (but not including) Highway 1 from Leeville Bridge to Highway 3090

The eastern portion of the zone contains the following boundaries. The section's southern boundary is Pass a Loutre from the Gulf of Mexico to the Mississippi River. The northern boundary of the eastern section of this zone is as follows:

- Southern/eastern levee along Joe Brown Canal from Bertrandville to Forty Arpent Canal
- Southern/eastern levee along Forty Arpent Canal to Highway 39 east of Braithwaite Golf Course
- Highway 39 from Forty Arpent Canal to Bayou Road
- Bayou Road from Highway 39 to Highway 46
- Highway 46 from Bayou Road to the Levee in Verret
- From Levee in Verret through the Mississippi River-Gulf Outlet (MR-GO) to Lake Borgne west of Stump Bayou
- Southern shore of Lake Borgne from Stump Bayou to Isle au Pitre

The western boundary of the eastern section is as follows:

- Eastern shore of Mississippi River from Pass a Loutre to Ostrica Locks at Bayou Tortillen
- Bayou Tortillen from the Ostrica Locks to Bayou Lamoque
- Bayou Lamoque from Bayou Tortillen to Breton Sound
- Western shore of Breton Sound from Bayou Lamoque to Fucich Bayou
- Northern bank of Fucich Bayou from Breton Sound to Back Levee Canal
- Eastern bank of Back Levee Canal from Fucich Bayou to Highway 39
- Highway 39 from Back Levee Canal to Canal/Levee in Belair east of Highway 39
- Canal/levee in Belair east of Highway 39 from Highway 39 to Joe Brown Canal

The eastern boundary of the eastern section is as follows:

- From Isle au Pitre along the western shores of Chandeleur Sound past Brush Island, Martin Island, Mitchell Island, Comfort Island, Deadman Island, Gardener Island to the south shore of the Breton Sound
- South shore of Breton Sound from Bay Denesse to the North pass of the mouth of the Mississippi River

The southern boundary of the eastern section is as follows:

- Northern bank of Pass a Loutre from Breton Sound to the Mississippi River

A-3, *Grand Isle*: This zone consists exclusively and entirely of the island containing Grand Isle.

A-4, *Downtown New Orleans:* This zone is bounded by Calliope Street (which runs underneath the Pontchartrain Expressway) in the south and extends to Elysian Fields Avenue in the north. The eastern boundary is the Mississippi River. The western boundary consists of the following streets:

- St. Charles Avenue from Calliope Street to St. Joseph Street
- St. Joseph Street from St. Charles Avenue to S. Peters Street
- S. Peters Street from St. Joseph Street to Notre Dame Street
- Notre Dame Street from S. Peters Street to Convention Center Boulevard
- Convention Center Boulevard from Notre Dame Street to Poydras Street
- Poydras Street from Convention Center Boulevard to S. Peters Street
- S. Peters Street from Poydras Street to Canal Street
- Canal Street from S. Peters Street to N. Rampart Street
- Rampart Street (which becomes St. Claude Avenue) from Canal Street to Elysian Fields Avenue.

A-5, *Slidell Area:* This zone begins at the intersection of Highway 90 (Chef Menteur Boulevard) at Interstate 510 and includes all properties fronting Highway 90 until the north side of the Rigolets Pass. The zone then broadens to include areas between Front Street (and the railroad tracks) in the west, the Louisiana/Mississippi state line (the Pearl River) in the east, and the continuous shoreline of Lake Pontchartrain, the Rigolets Pass, and Lake Borgne in the south. The northern boundary consists of the following roads:

- Old Spanish Trail to Interstate 10
- Interstate 10 from Old Spanish Trail to Highway 190 East
- Highway 190 East from Interstate 10 to Highway 90
- Highway 90 from Highway 190 to the Louisiana/Mississippi state line (the Pearl River)

This zone also includes the wetlands south of the Rigolets Pass to the Mississippi River-Gulf Outlet and all wetlands.

A-6, *Bay St. Louis:* This zone is bounded in the south by the Mississippi Sound/Lake Borgne shoreline. Its northern boundary begins at the crossing of Interstate 10 over the Pearl River and continues along Interstate 10 until Highway 607. It runs along Highway 607 until the intersection with Highway 90, and continues along Highway 90 and terminates at the beginning of the bridge over Bay St. Louis, where it meets the zone's southern boundary. The western boundary of the zone is configured as follows:

- The Pearl River from Interstate 10 to Highway 90
- Highway 90 from Pearl River to Lower Bay Road
- Lower Bay Road to (30.236°N, -89.52°W), at which point the boundary cuts due south to intersect with John's Bayou
- John's Bayou from point described above to Grand Plains Bayou
- Grand Plains Bayou from John's Bayou to the Pearl River

A-7, Gulfport/Biloxi/Ocean Springs: This zone begins at the Highway 90 bridge on the east side of Bay St. Louis. Its western boundary is the shoreline of Bay St. Louis south of the bridge and its southern boundary is the shoreline of the Mississippi Sound but includes Cat Island, Ship Island, Horn Island, and Deer Island. Its eastern boundary is Halstead Road in Ocean Springs. The northern boundary is as follows:

- W. Beach Boulevard (Highway 90) to CSX Railroad
- CSX Railroad from Beach Boulevard to Tegarden Road
- Tegarden Road from CSX Railroad to E. Pass Road
- E. Pass Road from Tegarden Road to Lorraine Road
- Lorraine Road from E. Pass Road to Bernard Bayou
- Southern bank of Bernard Bayou from Lorraine Road to Big Lake/Back Bay of Biloxi
- Southern shore of Back Bay of Biloxi from Bernard Bayou to Highway 90
- Highway 90 from western shore of Back Bay of Biloxi to eastern shore of Back Bay of Biloxi
- Eastern shore of Back Bay of Biloxi from Highway 90 to Old Fort Bayou
- Southern shore of Old Fort Bayou from Back Bay of Biloxi to Washington Avenue
- Washington Avenue from Old Fort Bayou to Highway 90
- Highway 90 from Washington Avenue to Halstead Road

A-8: Interstate 110 to Biloxi: This zone consists of Interstate 110 south of Interstate 10 and within one quarter-mile of the exit ramp on Rodriguez Street.

A-9, Bayou LaBatre: This zone is triangular in shape and contains the area between Bayou LaBatre to Highway 188 (Alabama Coastal Connection). It continues on Highway 188 to the bayou southwest of Coden. Its southern boundary is the Gulf of Mexico.

A-10, Dauphin Island: This zone consists exclusively and entirely of Dauphin Island.

A-11, Gulf Shores/Orange Beach: This zone is bounded by the Gulf of Mexico to the south, from the western tip of Fort Morgan State Park to the Alabama/Florida state line. It also includes the entirety of Ono Island. Its northern boundary begins at the canal connecting Mobile Bay and Wolf Bay and continues to Bayou la Launch, Arnica Bay, Bayou St. John, and Old River.

A-12, Highway 59 to Gulf Shores: This zone consists of properties fronting Highway 59 from Interstate 10 to the canal connection Bon Secour Bay and Wolf Bay

A-13, Perdido Key: This zone is bounded by the Gulf of Mexico in the south, beginning at the Alabama/Florida state line. The western boundary is the state line situated in the Old River and Perdido Bay. The northern boundary is as follows:

- Bayou Garcon to the point due north of the end of Corinna Street
- Corinna Street from terminus to Highway 292A (Gulf Beach Highway)
- Highway 292A from Corinna Street to Radford Boulevard
- Radford Boulevard from Highway 292A to Fuel Farm Road

- Fuel Farm Road from Radford Boulevard to Big Lagoon
- Big Lagoon from Fuel Farm Road to its outlet to the Gulf of Mexico

A-14, *Gulf Breeze*: This zone is bounded by Pensacola Bay to the west, the Santa Rosa Sound to the south, and the eastern edge of the Tiger Point Golf Course development to the east. Its northern boundary runs from Pensacola Bay to Highway 98, then along Highway 98 to the eastern edge of the Tiger Point Golf Course development.

A-15, *Navarre Beach/Pensacola Beach*: This zone contains the areas between the Santa Rosa Sound to the north and the Gulf of Mexico to the south. The western boundary is the eastern edge of Fort Pickens State Park, and the eastern boundary is the Escambia County/Santa Rosa County line.

A-16, *Okaloosa Island*: This zone contains the areas between the Santa Rosa Sound to the north and the Gulf of Mexico to the south. The western boundary is the Escambia County/Santa Rosa County line, and the eastern boundary is East Pass, where Choctawhatchee Bay enters the Gulf of Mexico.

A-17, *Destin*: This zone is bounded by the Gulf of Mexico to the south and Choctawhatchee Bay/East Pass to the west. The eastern boundary is the Okaloosa County/Walton County line. The northern boundary is as follows:

- Choctawhatchee Bay to Joe's Bayou
- Joe's Bayou from Choctawhatchee Bay to Bayview Street
- Bayview Street from Joe's Bayou to Spring Lake Drive
- Spring Lake Drive from Bayview Street to Beach Drive
- Beach Drive from Spring Lake Drive to Highway 98
- Highway 98 from Beach Drive to Okaloosa County/Walton County line

A-18, *Walton County*: This zone is bounded by the Okaloosa/Walton County line to the west, the Gulf of Mexico to the south, and the Walton/Bay County line to the east. The northern boundary is as follows:

- Highway 98 from the Okaloosa/Walton County line to Ponce de Leon Street.
- Ponce de Leon Street from Highway 98 to Choctawhatchee Bay
- Choctawhatchee Bay from Ponce de Leon Street to E. Hewett Road
- E. Hewett Road from Choctawhatchee Bay to Highway 98
- Highway 98 from E. Hewett Road to Walton/Bay County line

A-19, *Panama City Beach*: This zone is bounded by the Walton/Bay County line to the west, East Pass between the Gulf of Mexico and Upper Grand Lagoon to the east, and the Gulf of Mexico to the south. Its northern boundary is as follows:

- Highway 98 (Back Beach Road) from the Walton/Bay County line to Clara Avenue
- Clara Avenue from Back Beach Road to Hutchison Boulevard
- Hutchison Boulevard from Clara Avenue to Front Beach Boulevard
- Front Beach Boulevard from Hutchison Boulevard to Highway 98

- Highway 98 from Front Beach Boulevard to East Pass

A-20, Bay County East of Tyndall AFB: This zone is bounded by the Gulf of Mexico to the south, Crooked Island Beach Road to the west, and the Bay County/Gulf County line to the east. The northern boundary is as follows:

- Highway 98 from Crooked Island Beach Road to the beginning of dirt roads immediately north of developed land (commonly known as the "Bear Swamp Roads")
- "Bear Swamp Roads" from Highway 98 to northern terminus of Paradise Cove Boulevard
- Paradise Cove Boulevard from northern terminus to 15th Street
- 15th Street from Paradise Cove Boulevard to County Road 386 S (also the Bay County/Gulf County line)

A-21, Gulf County: This zone is bounded by the Gulf of Mexico to the south, the Bay County/Gulf County line to the west, and the Gulf County/Franklin County line (Ochlockonee River) to the east. The northern boundary consists of the edge of developed residential properties until Westview Boulevard/Sea Turtle Drive, at which point the boundary becomes Highway 319. The zone also includes the entirety of St. Joseph Peninsula surrounding St. Joseph Bay.

A-22, Franklin County: This zone is bounded by the Gulf of Mexico to the south, the Gulf County/Franklin County line to the west, and the Franklin County/Wakulla County line to the east. The northern boundary is as follows:

- Highway 98 from the Gulf County/Franklin County line to Big Bend Scenic Byway (Highway 319)
- Big Bend Scenic Byway (Highway 319) from Highway 98 to the southern bank of the Ochlockonee River/Bay.

The zone also includes St. Vincent Island, Little St. George Island, St. George Island, Dog Island, and St. James Island.

A-23, Wakulla County: This zone is bounded by the Gulf of Mexico to the south, the Franklin County/Wakulla County line to the west, the Wakulla County/Jefferson County line to the east, and Highway 98 to the north.

A-24, Horseshoe Beach: This zone is bounded by the Gulf of Mexico on the south and west, by the eastern terminus of 1st Avenue at the north, and by the canal at the eastern edge of the island on the east.

A-25, Cedar Key: This zone consists exclusively and entirely of the island of Cedar Key.

A-26, Clearwater/Tampa Islands: This zone consists of the entirety of the series of islands/keys off the Gulf Coast of Florida stretching from Anclote Key in the north to Lido Key in the south.

A-27, Sanibel/Captiva: This zone consists of the entirety of the series of islands off the Gulf Coast of Florida stretching from Lacosta Island in the north to Sanibel Island in the south.

A-28: Florida Keys: This zone consists of the entirety of the series of islands off the south coast of Florida stretching from Key West in the south/west to Key Largo in the north/east.

ZONE B DEFINITIONS

B-1, South Louisiana 1: This zone consists of an area of southern Louisiana spanning from the Louisiana/Texas state line to Caminada Bay. Although the zone is one contiguous polygon, this description divides it into two parts. The first of these parts includes the larger areas moving as far east and south as Golden Meadow, and the second includes the narrower portion of the zone south of Golden Meadow/Bayou Lafourche. Its western boundary is the Texas/Louisiana state line.

The zone's northern/eastern boundary is as follows:

- The southern boundary of Calcasieu Parish from the Texas/Louisiana state line until the eastern boundary of Calcasieu Parish intersects Interstate 10
- Interstate 10 from the Calcasieu Parish line to the Lafayette Parish line
- The Lafayette Parish line south of Interstate 10 until it intersects again with Interstate 10 on the east side of Lafayette Parish
- Interstate 10 from the Lafayette Parish line to Highway 1 west of Baton Rouge
- Highway 1 from Interstate 10 to the Intracoastal Waterway in Larose
- Intracoastal Waterway from Highway 1 to Station No. 7 Road/Canal and levee system
- Station No. 7 Road/canal and levee system from Intracoastal Waterway to Bayou Lafourche

Its southern boundary is as follows:

- Highway 82 from Sabine Pass to Bayou Road
- Bayou Road from Highway 82 to Parish Road 548
- Parish Road 548 from Bayou Road to its terminus
- The line connecting the terminus of Parish Road 548 to the northern shore of Mud Lake
- The line connecting the northern shore of Mud Lake to the intersection of Highway 82 and the Calcasieu River
- Highway 82 to Schooner Bayou Canal
- The northern bank of Schooner Bayou Canal from Highway 82 to Vermilion Bay
- The northern shoreline of Vermilion Bay and West Cote Blanche Bay from Schooner Bayou Canal to southern terminus of Highway 317
- The boundary continues throughout southern Louisiana east of Vermilion Bay in a line connecting the end of the following roads:
 - Highway 317 (St. Mary Parish)
 - Levee Road (Terrebonne Parish)
 - Bayou Dularge Road (Terrebonne Parish)
 - Four Point Road (Terrebonne Parish)
 - Mouth of Houma Navigation Canal (Terrebonne Parish)
 - Island Road (Terrebonne Parish)

- Lower Highway 665 (Terrebonne Parish)
- Eastern terminus of Jean Plaisance Canal (Lafourche Parish)

The portions of this zone south of Golden Meadow are bounded on the west by Highway 1 until it splits from Bayou Lafourche, and Bayou Lafourche until the Gulf of Mexico. It is bounded on the east by the end of developed land east of Highway 1, continuing until Highway 1 crosses into Grand Isle (Caminada Pass). The southern boundary of this portion of the zone is the Gulf of Mexico.

B-2, South Louisiana 2: This zone consists of developed land on the east and west banks of the Mississippi River from approximately the Belle Chasse Naval Station to the Gulf of Mexico. Its northern boundary is Buccaneer Road on the west bank and the Perez Canal on the east bank, and the line that connects the end of Buccaneer Road with the Perez Canal across the Mississippi River. Its southern boundary is Southwest Pass/Pass a Loutre at the mouth of the Mississippi River. Its western boundary is as follows:

- Bayou Barriere from Buccaneer Road to the Hero Canal
- North bank of Hero Canal from Bayou Barriere to levee west of Highway 23
- Levee west of Highway 23 from Hero Canal to Wilkinson Canal
- Western bank of Wilkinson Canal toward Mississippi River to levee west of Highway 23
- Levee west of Highway 23 from Wilkinson Canal to Deer Range Canal
- Eastern bank of Deer Range Canal to Canal/Levee East of Hermitage Road
- Northern/eastern levee from Hermitage Road to Highway 23 in West Point a la Hache
- Highway 23 from West Pointe a la Hache to levee in Happy Jack
- Levee in Happy Jack to Adams Bay Shoreline west of Highway 23
- Eastern shoreline of Adams Bay/Long Bay/Hospital Bay/Yellow Cotton Bay from levee to Spanish Pass
- Northern/eastern shoreline of Spanish Pass from Yellow Cotton Bay to Highway 23 Highway 23 from Spanish Pass to intersection of Venice Boat Harbor Road
- Line connecting intersection of Venice Boat Harbor Road with Pass Tante Phine
- Northern bank of Pass Tante Phine to Tiger Pass
- Western shore of Tiger Pass from Pass Tante Phine to the western shoreline of the Mississippi River
- Western Shoreline of Mississippi River through the Southwest Pass to the Gulf of Mexico

The eastern boundary is as follows:

- Western bank of Joe Brown Canal from Perez Canal to Belair Canal
- Northern bank of Belair Canal from Joe Brown Canal to Highway 39
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- Highway 39 from Belair Canal to Back Levee Canal (just east of Phoenix)
- Southern/western bank of Back Levee Canal from Highway 39 to Fucich Bayou
- Southern bank of Fucich Bayou from Back Levee Canal to western shore of Breton Sound
- western shore of Breton Sound from past Fucich Bayou to Bayou Lamoque

- Northern bank of Bayou Lamoque from western shore of California Bay to Bayou Tortillen
- Southern bank of Bayou Tortillen from Bayou Lamoque to Ostrica Locks
- Ostrica Locks from Bayou Tortillen to eastern shore of Mississippi River
- Eastern shore of Mississippi River from Ostrica Locks to Pass a Loutre

B-3, *Downtown New Orleans*: This zone is bounded by Calliope Street (which runs underneath the Pontchartrain Expressway) to the west, Claiborne Avenue (which runs underneath Interstate 10) to the north, and Esplanade Avenue to the east. The southern boundary is as follows:

- St. Charles Avenue from Calliope Street to St. Joseph Street
- St. Joseph Street from St. Charles Avenue to S. Peters Street
- S. Peters Street from St. Joseph Street to Notre Dame Street
- Notre Dame Street from S. Peters Street to Convention Center Boulevard
- Convention Center Boulevard from Notre Dame Street to Poydras Street
- Poydras Street from Convention Center Boulevard to S. Peters Street
- S. Peters Street from Poydras Street to Canal Street
- Canal Street from S. Peters Street to N. Rampart Street
- Rampart Street from Canal Street to Esplanade Avenue

B-4, *Uptown New Orleans*: This zone is bounded by Calliope Street (which runs underneath the Pontchartrain Expressway) to the east, St. Charles Avenue to the north, and Walnut Street (at the edge of Audubon Park) to the west. The southern boundary is as follows:

- Railroad tracks from Front Street/Walnut Street to River Drive
- The Mississippi River from River Drive to River Drive/East Drive
- East Drive from River Drive to Tchoupitoulas Street
- Tchoupitoulas Street from East Drive to Calliope Street

B-5, *Bucktown/Lakeshore*, New Orleans: This zone is bounded by Lake Pontchartrain to the north and Bonabel Boulevard to the west. The southern boundary is as follows:

- West Esplanade Avenue from Bonabel Boulevard to the 17th Street Canal (Jefferson/Orleans Parish line)
- 17th Street Canal from W. Esplanade Avenue to 38th Street
- 38th Street from the 17th Street Canal to Pontchartrain Boulevard/West End Boulevard

The eastern boundary is as follows:

- Pontchartrain Boulevard/West End Boulevard from 38th Street to Hammond Highway/Robert E. Lee Boulevard
- Lakeshore Drive from Hammond Highway/Robert E. Lee Boulevard to beginning of harbor/boat slips
- Harbor/boat slips to Lake Pontchartrain

B-6, *St. Tammany Parish*: This zone is bounded by the north shore of Lake Pontchartrain to the south, Causeway Boulevard to the west, and the Highway 11 railroad to the east. The northern boundary is as follows:

- Monroe Street from Causeway Boulevard to Girod Street
- Girod Street from Monroe Street to Highway 190
- Highway 190 from Girod Street to Thompson Road
- Thompson Road from Highway 190 to Bayou Liberty Road
- Bayou Liberty Road to Highway 11 railroad tracks

B-5, *Battleship Parkway*: This zone consists of the following roads:

- Battleship Parkway (U.S. Highway 90) from Interstate 10 near Polecat Bay to Spanish Fort Boulevard (U.S. Highway 31)
- Spanish Fort Boulevard (U.S. Highway 31) from Battleship Parkway to Mobile Plantation Parkway (Highway 181)
- Mobile Plantation Parkway (Highway 181) from Spanish Fort Boulevard to Interstate 10

B-7, *Daphne/Fairhope*: This zone is bounded by Mobile Bay to the west, Spanish Fort Boulevard to the north, Highway 98 to the east, and Highway 98 to the south.

B-8, *Gulf Breeze*: This zone is bounded by the Santa Rosa Sound to the north and Highway 98 to south and west. The eastern boundary is the line between Baltar Drive and Hickory Shores Drive, including the eastern terminus of Sandy Bluff Drive.

B-9, *Foley Area*: This zone is bounded on the north by Highway 98 from the eastern shore of Mobile Bay to the Foley Beach Expressway. Its southern boundary is the northern bank of the Intracoastal Waterway from Mobile Bay to the Foley Beach Expressway. Its western boundary is Mobile Bay from the intersection of Alabama's Coastal Connection and U.S Highway 98 to the northern bank of the Intracoastal Waterway. Its eastern boundary is the Foley Beach Expressway from Highway 98 to the northern bank of the Intracoastal Waterway. This zone excludes the portions of Zone A-12 which run through it.

B-10, *Foley Beach Expressway*: This zone consists of Foley Beach Expressway from Highway 59 to Highway 98.

B-11, *Downtown Pensacola*: This zone is bounded in the south by the northern bank of Bayou Grande from S. Navy Boulevard to the northern shore of Pensacola Bay, and by the northern shore of Pensacola Bay from Bayou Grande to the Pensacola Bay Bridge (Highway 98). Its western boundary is S. Navy Boulevard from Barrancas Avenue to the northern bank of Bayou Grande. Its northern boundary is as follows:

- Barrancas Avenue from S. Navy Road to W. Garden Street
- W. Garden Street from Barrancas Avenue to N. Alcaniz Street

- N. Alcaniz Street from E. Garden Street to E. Gregory Street
- E. Gregory Street from N. Alcaniz Avenue to the Pensacola Bay Bridge

B-12, Highway 98 from Gulf Breeze to Fort Walton Beach: This zone consists of U.S. Highway 98 (Gulf Breeze Parkway, Navarre Parkway, or Miracle Strip Parkway) from the eastern edge of Zone A-14 (edge of the Tiger Point Golf Course development) to the northern shore of Santa Rosa Sound.

B-13, Highway 293 in Destin: This zone consists of Highway 293 from the northern shore of Choctawhatchee Bay to Highway 98 (Emerald Coast Parkway).

B-14, Panama City Beach: This zone is bounded on the north by Highway 98 (Back Beach Road) from Clara Avenue to Front Beach Road. Its western boundary is Clara Avenue from Highway 98 to Hutchinson Boulevard. Its southern boundary is as follows:

- Hutchinson Boulevard from Clara Avenue to Front Beach Road
- Front Beach Road from Hutchinson Avenue to Highway 98

B-15, Panama City: This zone consists of two roads, as described below:

- W. Highway 98/W. 18th Street from the western shore of the Upper Grand Lagoon to Beck Avenue
- W. 23rd Street/E. 23rd Street from Highway 98 to N. Cove Boulevard/Martin Luther King, Jr. Boulevard

B-16, Port St. Joe: This zone is bounded on the west by Monument Avenue from 1st Street to Cecil G. Costin Boulevard. Its northern boundary is 1st Street from Monument Avenue to Woodward Avenue. Its eastern boundary is Woodward Avenue from 1st Street to Cecil G. Costin Boulevard. Its southern boundary is Cecil G. Costin Boulevard from Monument Avenue to Woodward Avenue.

B-17, Apalachicola: This zone is bounded on the east by the western bank of Scipio Creek/Apalachicola River. Its northern boundary is as follows:

- Avenue M from 12th Street to Market Street
- Market Street from Avenue M to marina/inlet at Scipio Creek
- Northern bank of inlet/marina to Scipio Creek

Its western boundary is as follows:

- 12th Street from Avenue M to Avenue L
- Avenue L from 12th Street to 14th Street
- 14th Street from Avenue L to Avenue E

Its southern boundary is as follows:

- Avenue E from 14th Street to Market Street
- Market Street from Avenue E to the eastern shore of the Apalachicola River

ZONE C DEFINITIONS

C-1, *Galveston*: This zone contains the entirety of Galveston Island and the Bolivar Peninsula/Crystal Beach. The zone's eastern boundary is the water passageway from the Gulf of Mexico to Rollover Bay, located just east of N. Bauer Street.

C-2, *Port Arthur*: This zone consists of the following boundaries, moving clockwise beginning at its northernmost tip at the intersection of Highway 82 and Taylor Bayou.

- Highway 82 from the eastern bank of Taylor Bayou to the Sabine Neches Canal
- Southern bank of Sabine Neches Canal from Highway 82 to northern terminus of S. Levee Road
- S. Levee Road from southern bank of Sabine Neches Canal to the southern shore of Sabine Lake
- Southern shore of Sabine Lake/Sabine Pass from S. Levee Road to eastern terminus of Jetty Road
- Jetty Road/1st Street from eastern terminus to Quinn Street
- Quinn Street from Jetty Road to S. 8th Avenue (Route 3322)
- S. 8th Avenue (Route 3322/Highway 87) from Quinn Street to northern bank of Intracoastal Waterway
- Northern bank of Intracoastal Waterway from S. 8th Avenue to eastern bank of Taylor Bayou
- Eastern bank of Taylor Bayou from northern bank of Intracoastal Waterway to Highway 82

C-3, *South Louisiana*: This zone consists of three parts spanning across southern Louisiana. The first portion consists of Calcasieu Parish south of Interstate 10. The second portion consists of Lafayette Parish south of Interstate 10.

The third and largest portion is bounded on the south/west by Highway 1 from Interstate 10 to the Intracoastal Waterway in Larose. Its eastern boundary is as follows:

- Western/northern bank of Intracoastal Waterway from Highway 1 to the western bank of Bayou Barataria
- Western/northern bank of Bayou Barataria from northern bank of Intracoastal Waterway to Highway 3134
- Highway 3134 from northern bank of Bayou Barataria to Barataria Boulevard (Highway 45)
- Barataria Boulevard from Highway 3134 to Westbank Expressway (Highway 90)
- Westbank Expressway from Barataria Boulevard to Interstate 310
- Interstate 310 from Westbank Expressway to Interstate 10
- Interstate 10 from Interstate 310 to end of Bonnet Carret Spillway, where it meets the shore of Lake Pontchartrain
- Southern/western/northern shore of Lake Pontchartrain from Bonnet Carret Spillway to N. Causeway Boulevard on the northshore
- N. Causeway Boulevard from northern shore of Lake Pontchartrain to Monroe Street
- Monroe Street from N. Causeway Boulevard to Girod Street
- Girod Street from Monroe Street to Florida Street (Highway 190)

The northern boundary is as follows:

- Interstate 10 from Highway 1 west of Baton Rouge to Highway 22 east of Gonzales
- Highway 22 from Interstate 10 to Causeway Boulevard, where it becomes Highway 190
- Highway 190 (Florida Street) from Highway 22 to Girod Street

C-4, Uptown New Orleans: This zone is bounded on the west by Monticello Avenue (the Orleans/Jefferson Parish line) from Oak Street to S. Claiborne Avenue. Its eastern boundary is as follows:

- Canal Street from S. Broad Street to Interstate 10/S. Claiborne Avenue
- Interstate 10/S. Claiborne Avenue from Canal Street to the Pontchartrain Expressway/Calliope St.
- Pontchartrain Expressway/Calliope Street from Claiborne Avenue to St. Charles Avenue

Its southern boundary is as follows:

- Oak Street from Monticello Avenue to Leake Avenue
- Leake Avenue/Front Street from Oak Street to Walnut Street (western edge of Audubon Park)
- Walnut Street from Front Street to St. Charles Avenue
- St. Charles Avenue from Walnut Street to the Pontchartrain Expressway/Calliope Street

Its northern boundary is as follows:

- S. Claiborne Avenue from Monticello Avenue to S. Carrollton Avenue
- S. Carrollton Avenue from S. Claiborne Avenue to Fontainebleau Drive
- Fontainebleau Drive from S. Carrollton Avenue to Broad Street
- S. Broad Street from Fontainebleau Avenue to Canal Street

C-5, Pearlington: This zone is situated between the Slidell Area and Bay St. Louis Zones A. Its boundaries are Highway 90 between the Pearl River (Mississippi/Louisiana state line) and Old Lower Bay Road to the north, the eastern bank of the Pearl River from Highway 90 to the northern bank of Campbell Inside Bayou in the west, and the northern bank of Campbell Inside Bayou to the south. Its eastern boundary is as follows:

- Old Lower Bay Road from Highway 90 to Lower Bay Road
- Lower Bay Road from Old Lower Bay Road to (30.236°N, -89.52°W) at which point the boundary cuts due south to intersect with the western bank of John's Bayou
- Western bank of John's Bayou from line due south of (30.236°N, -89.52°W) to northern bank of Grand Plains Bayou
- Northern/western bank of Grand Plains Bayou from western bank of John's Bayou to the northern bank of Campbell Inside Bayou

C-6, Bay St. Louis: This zone is bounded by Interstate 10 from Highway 607 to Interstate 110 in the north and Highway 607 from Interstate 10 to Highway 90 in the west. Its eastern boundary is the western boundary of the Interstate 110 Zone A. Its southern boundary is as follows:

- Highway 607 from Interstate 10 to its merger with Highway 90
- Highway 90 from Highway 607 to Everett Street/Railroad Avenue in Pass Christian Railroad Avenue from Highway 90 to Tegarden Road
- Tegarden Road from Railroad Avenue to E. Pass Road
- E. Pass Road from Tegarden Road to Lorraine Road
- Lorraine Road from Pass Road to the northern shore of Big Lake/Back Bay of Biloxi
- Back Bay of Biloxi from Lorraine Road to the beginning of the Interstate 110 Zone A

C-7, Biloxi/Pascagoula/Mobile: This zone spans three cities from Interstate 110 to Mobile Bay. Its western boundary is the eastern boundary of the Interstate 110 Zone A. Its northern boundary is as follows:

- Interstate 10 from the Interstate 110 Zone A 1 zone to Interstate 65
- Interstate 65 from Interstate 10 to southern bank of Chickasaw Creek
- Southern bank of Chickasaw Creek from Interstate 65 to western bank of Black Bayou
- Western bank of Black Bayou from southern bank of Chickasaw Creek to the eastern bank of the Mobile River
- Eastern bank of Mobile River to the western bank of the Spanish River

Its southern boundary is as follows:

- The northern shore of Back Bay of Biloxi from the Interstate 110 Zone A to Washington Avenue
- Washington Avenue from the northern shore of the Back Bay of Biloxi to Highway 90
- Highway 90 from Washington Avenue to Halstead Road
- Halstead Road from Highway 90 to the northern shore of Davis Bayou/Mississippi Sound
- Northern shore of Davis Bayou/Mississippi Sound from Halstead Road to the western bank of Bayou La Batre
- Western bank of Bayou La Batre from the Gulf of Mexico to Highway 188
- Highway 188 from Bayou La Batre to the eastern bank of Bayou Coden
- Eastern bank of Bayou Coden to the northern shore of the Gulf of Mexico
- Northern shore of the Gulf of Mexico from Bayou Coden to the western shore of Mobile Bay

Its eastern boundary is as follows:

- The western bank of the Spanish River from the Mobile River to the western shore of Mobile Bay
- The western shore of Mobile Bay from the Spanish River to the Gulf of Mexico

C-8, Orange Beach/Pensacola: This zone spans from the Zone B-7 and B-8 in the west to the eastern shores of Pensacola Bay and Escambia Bay south of Interstate 10 to the east. It is bisected by the

Highway 59 to Gulf Shores (Zone A-12) and by the Foley Beach Expressway north of Highway 98 (Zone B-10). Its northern boundary is Interstate 10 from Highway 98 to Escambia Bay. Its western boundary is as follows:

- U.S. Highway 98/42 from Interstate 10 to Highway 98 (Alabama's Coastal Connection)
- Highway 98 (Alabama's Coastal Connection) from U.S. Highway 98 to the Foley Beach Expressway
- Foley Beach Expressway from Highway 98 to the northern bank of the Intracoastal Waterway

Its southern boundary is as follows:

- The northern shore of the Intracoastal Waterway from Mobile Bay to Wolf Bay
- The northern shores of Wolf Bay, Bayou La Launch, Amica Bay, and Perdido Bay from the Intracoastal Waterway to the northern bank of Bayou Garcon
- The northern bank of Bayou Garcon from Perdido Bay to (30.323°N, -87.425°W), a point due north of the end of Corinna Street
- Corinna Street from the line due south of (30.323°N, -87.425°W) to Highway 292A
- Highway 292A from Corinna Street to Highway 173
- Highway 173 from Highway 292A to Fuel Farm Road
- Fuel Farm Road from Highway 173 to the northern shore of Big Lagoon
- Northern shore of Big Lagoon from Fuel Farm Road to the west shore of Pensacola Bay

Its eastern boundary is as follows:

- Western shore of Escambia Bay/Pensacola Bay from Interstate 10 to Highway 98 (Pensacola Bay Bridge).
- Highway 98 (E. Gregory Street) from Pensacola Bay to S. Alcaniz Street
- S. Alcaniz Street from E. Gregory Street to E. Garden Street.
- E. Garden Street/W. Garden Street from E. Gregory Street to Barrancas Avenue
- Barrancas Avenue from W. Garden Street to S. Navy Boulevard
- S. Navy Boulevard from Barrancas Avenue to the northern bank of Bayou Grande
- Northern bank of Bayou Grande from S. Navy Boulevard to the western shore of Pensacola Bay
- Western shore of Pensacola Bay from Bayou Grande to the northern shore of Big Lagoon

C-9, Gulf Breeze/Fort Walton/Niceville: This zone is bounded on the south by the northern shores of the Santa Rosa Sound and Choctawhatchee Bay. Its western boundary is as follows:

- The green space between Baltar Drive and Hickory Shores Boulevard from the southern shore of East Bay to Highway 98
- Highway 98 (Gulf Breeze Parkway) from the green space to the eastern edge of the Tiger Point Golf Course development.
- The eastern edge of the Tiger Point Golf Course development from Highway 98 to the northern shore of Santa Rosa Sound

The northern and eastern boundary is as follows:

- The southern shore of East Bay from the green space between Baltar Drive and Hickory Shores Boulevard (at the eastern terminus of Sandy Bluff Drive E.) to the East Bay River
- East Bay River from the East Bay to (30.429°N, -86.807°W), due north of Crescent Wood Road
- Crescent Wood Road from the point described above to Highway 98 (Navarre Parkway)
- Highway 98 from Crescent Wood Road to Cody Avenue
- Cody Avenue from Highway 98 to Independence Road
- Independence Road from Cody Avenue to S. Golf Course Road
- S. Golf Course Road from Independence Road to Heritage Road
- Heritage Road from S. Golf Course Road to Martin Luther King, Jr. Boulevard
- Martin Luther King, Jr. Boulevard from Heritage Road to Green Acres Road
- Green Acres Road from Martin Luther King, Jr. Boulevard to Highway 189 (Lewis Turner Boulevard)
- Highway 189 from Green Acres Road to Highway 85
- Highway 85 from Highway 189 to E. John Sims Parkway
- E. John Sims Parkway from Highway 85 to Route 285
- Route 285 (N. Partin Drive) from E. John Sims Parkway to E. College Boulevard
- E. College Boulevard from Route 285 to Forest Road
- Forest Road from E. College Boulevard to Rocky Bayou Road
- Rocky Bayou Road from Forest Road to Huntington Road
- Huntington Road from Rocky Bayou Road to the north shore of Rocky Bayou
- North shore of Rocky Bayou from Huntington Road to Highway 20
- Highway 20 from Rocky Bayou to Highway 293
- Highway 293 (White Point Road) from Highway 20 to the north shore of Choctawhatchee Bay

Zone B-12 runs from east to west through the middle of this zone between Gulf Breeze and Fort Walton Beach.

C-10, Destin: This zone is bounded by the south shore of Choctawhatchee Bay on the north and Highway 98 to the south. Its eastern boundary is Ponce de Leon Street from Choctawhatchee Bay to Highway 98. Its western boundary is as follows:

- The eastern shore of Joe's Bayou from Choctawhatchee Bay to Bayview Street
- Bayview Street from Joe's Bayou to Spring Lake Drive
- Spring Lake Drive from Bayview Street to Beach Drive
- Beach Drive from Spring Lake Drive to Highway 98

This zone is bisected by Zone B-13, which runs along Highway 293.

C-11: Eglin AFB: This zone is bounded by Interstate 10 to the north and Highway 331 to the east. Its western boundary consists of the eastern shores of Escambia Bay and Backwater Bay/East Bay, and its southern boundary is as follows:

- The northern shore of East Bay to the East Bay River
- East Bay River from East Bay to (30.429°N, -86.807°W)
- The line connecting (30.429°N, -86.807°W) to the end of Crescent Wood Road
- Crescent Wood Road to Highway 98
- Highway 98 from Crescent Wood Road to Cody Avenue
- Cody Avenue from Highway 98 to Independence Road
- Independence Road from Cody Avenue to South Golf Course Road
- South Golf Course Road from Independence Road to Heritage Road
- Heritage Road from South Golf Course Road to Martin Luther King Boulevard
- Martin Luther King Boulevard from Heritage Road to Green Acres Road
- Green Acres Road from Martin Luther King Boulevard to Highway 189
- Highway 189 from Green Acres Road to Highway 85
- Highway 85 from Highway 189 to W. John Sims Parkway
- W. John Sims Parkway/E. John Sims Parkway from Highway 85 to North Partin Drive
- North Partin Drive from Highway 85 to East College Boulevard
- East College Boulevard from North Partin Drive to Forest Road
- Forest Road from East College Boulevard to Rocky Bayou Drive
- Rocky Bayou Drive from Forest Road to Huntington Road
- Huntington Road from Rocky Bayou Drive to the north shore of Rocky Bayou
- The eastern and southern shore of Rocky Bayou from Huntington Road to Highway 20
- Highway 20 from Rocky Bayou to White Point Road (Highway 293)
- White Point Road (Highway 293) from Highway 20 to the north shore of Choctawhatchee Bay
- North shore of Choctawhatchee Bay from White Point Road to Highway 331 South

C-12, Walton County: This zone is bounded by the south shore of Choctawhatchee Bay and Hogtown Bayou on the north (although this boundary extends slightly into Tucker Bayou at its eastern edge) and Highway 98 to the south. Its western boundary is E. Hewett Road from Choctawhatchee Bay to Highway 98. Its eastern boundary is Peach Creek from the Intracoastal Waterway to Highway 98.

C-13, Panama City: This zone is bounded by the southern shore of North Bay to the north and the northern shores of Upper Grand Lagoon and St. Andrew Bay to the south. Its eastern boundary is as follows:

- Highway 2321 from North Bay to Nehi Road at N. Highway 231
- Nehi Road from N. Highway 231 to Highway 2315 (N. Star Avenue)
- Highway 2315 from Nehi Road to E. Highway 22
- E. Highway 22 from Highway 2315 to Callaway Bayou

Zone B-15, consisting of W. 18th Street and W. 23rd Street, is also contained within Zone C-13.

C-14: Walton County to Franklin County: This zone is bounded on the west by Peach Creek and on the east by Highway 98. Its northern boundary is as follows:

- The Intracoastal Waterway from Peach Creek to Highway 79
- Highway 79 from Intracoastal Waterway to Highway 388
- Highway 388 from the Highway 79 to Highway 231
- Highway 231 from Highway 388 to Highway 2315
- Highway 2315 from Highway 231 to Highway 22
- Highway 22 from Highway 2315 to Lake Grove Road
- Lake Grove Road from Highway 22 to eastern terminus at the Apalachicola River
- Western bank of the Apalachicola River from Lake Grove Road to the southern edge of Apalachicola National Forest
- Southern edge of Apalachicola National Forest from the Apalachicola River to the western bank of the Ochlocknee River at point (30.333°N, -84.594°W)
- Western bank of the Ochlocknee River from point described above to Highway 319
- Highway 319 from Ochlocknee River to Highway 98

Its southern boundary is as follows:

- Highway 98 from Peach Creek to the western shore of West Bay
- The shoreline of West Bay, North Bay, Deer Point Lake, and Bayou George from Highway 98 to Highway 2321
- Highway 2321 from Deer Point Lake/Bayou George to Nehi Road
- Nehi Road from Highway 2321 to Highway 2315
- Highway 2315 from Nehi Road to Highway 22
- Highway 22 from Highway 2315 to St. Andrew Bay
- Shore of St. Andrew Bay from Highway 2315 to Highway 98
- Highway 98 from St. Andrew Bay to Sabre Drive
- Sabre Drive from Highway 98 to Bambi Trail
- Bambi Trail from Sabre Drive to Beacon Beach Road
- Beacon Beach Road from Sabre Drive to St. Andrew Bay
- St. Andrew Bay to Hurricane Island and Gulf of Mexico
- Gulf of Mexico from edge of Hurricane Island to western edge of Tyndall AFB Zone A
- Northern edge of Tyndall AFB Zone A, including "Bear Swamp Roads" to Highway 98/319
- Highway 98/319 from Bear Swamp Roads to 1st Street in downtown Port St. Joe
- 1st Street from Highway 98 (Monument Avenue) to Woodward Avenue
- Woodward Avenue from Monument Avenue to Cecil G. Costin Boulevard
- Cecil G. Costin Boulevard from Woodward Avenue to Monument Avenue (Highway 98/319)
- Highway 98/319 from Cecil G. Costin Boulevard to 14th Street in downtown Apalachicola
- 14th Street from Highway 98/319 (Avenue E) to Avenue L
- Avenue L from 14th Street to 12th Street
- 12th Street from Avenue L to Avenue M
- Avenue M from 12th Street to Market Street
- Market Street from Avenue M to the inlet at the marina at Scipio Creek

- Marina/inlet to western bank of Scipio Creek
- Western bank of Scipio Creek/Apalachicola River to Highway 98/319
- Highway 319 from Apalachicola River to Ochlockonee River

C-15, Tyndall Air Force Base: This zone consists of the peninsula west of Highway 98 and Tyndall Air Force Base. Its northern, western, and southern boundaries are defined by St. Andrew's Bay. Its eastern boundary is as follows:

- Highway 98 (Tyndall Parkway) from St. Andrew's Bay to Sabre Drive
- Sabre Drive from Highway 98 to Bambi Trail
- Bambi Trail from Sabre Drive to Beacon Beach Road
- Beacon Beach Road from Bambi Trail to beach access road beginning at -83.623, 30.083
- Beach access road from point described above to northern shore of St. Andrew's Bay

C-16, Apalachee Bay to Holiday: This zone extends from the Wakulla/Jefferson County line to the Pinellas/Pasco County line, with its western boundary being the Gulf of Mexico. Its eastern/northern boundary is as follows:

- Highway 98 from the Wakulla/Jefferson County line to Highway 356 (Hampton Springs Avenue)
- Hampton Springs Avenue from Highway 98 to CR-593
- CR-593 from Hampton Springs Avenue to Turkey Roost Road
- Turkey Roost Road from CR-593 to Puckett Road
- Puckett Road from Turkey Roost Road to Spring Warrior Road
- Spring Warrior Road from Puckett Road to CR-535
- CR-535 from Spring Warrior Road to Beach Road
- Beach Road until it becomes 2nd Street NW in Steinhatchee
- 2nd Street NW from Beach Road to 1st Avenue S
- 1st Avenue S from 2nd Street NW to 10th Street E/SW 875th Street
- 10th Street E/SW 875th Street from 1st Avenue SW to Highway 358
- Highway 358 from SW 875th Street Street to Highway 361
- Highway 361 from Highway 358 to SW 477th Avenue
- SW 477th Avenue from Highway 361 to SW 623rd Street
- SW 623rd Street from SW 477th Avenue to SW 586th Avenue
- SW 586th Avenue from SW 623rd Street to Highway 351
- Highway 351 from SW 586th Street to SW 782nd Avenue
- SW 782nd Avenue from Highway 351 to SE 54th Street
- SE 54th Street from SW 782nd Avenue to SE 198th Street
- SE 198th Street from SE 54th Street to Highway 349
- Highway 349 from SE 198th Street to Highway 19/98
- Highway 19/98 from Highway 349 to Highway 320 (NW 115th Street)
- NW 115th Street from Highway 19/98 to NW 107th Terrace
- NW 107th Terrace from NW 115th Street to NW 102nd Place

- NW 102nd Place from NW 107th Terrace to NW 128th Court
- NW 128th Court from NW 102nd Place to NW 90th Street
- NW 90th Street from NW 128th Court to NW Camp Azalea Road
- NW Camp Azalea Road from NW 90th Street to NW County Road 347
- NW County Road 347 from NW Camp Azalea Road Place to SR-24
- SR-24 from County Road 347 to SW SW 95th Avenue
- SW 95th Avenue from SR-24 to SW 94th Terrace
- SW 94th Terrace from SR-24 to SW Hodge Road/SW Main Line Road
- SW Main Line Road from SW 94th Terrace to Fiber Factory Road
- Fiber Factory Road from SW Main Line Road to SE 80th Street
- SE 80th Street from Fiber Factory Road to SE 25th Avenue
- SE 25th Avenue from SE 80th Street to SE 76th Lane
- SE 76th Lane from SE 25th Street to Highway 19/98
- Highway 19/98 from SE 76th Lane to Pasco/Pinellas County line

C-17, Tampa to Marco Island: This zone is bounded by the eastern shores of the Gulf of Mexico (excluding the islands included in Zone A), Tampa/Hillsborough Bay, and Charlotte Harbor Bay to the west. Its northern boundary is the Pasco/Pinellas County line, and its southern boundary is the edge of Marco Island. Its eastern boundary is as follows:

- Highway 19 from the Pasco/Pinellas County line to Ulmerton Road
- Ulmerton Road from Highway 18 to Interstate 275
- Interstate 275 from Ulmerton Road to Interstate 4
- Interstate 4 from Interstate 275 to Highway 41
- Highway 41 from Interstate 4 to Highway 951
- Highway 951 to Marco Island/Big Marco River

FEEDER ROUTES

The following road segments are included in Zone C. The zones are described in order from west to east, grouped in the states in which they terminate.

Texas

- Highway 124 from Interstate 10 to Highway 87, and Highway 87 from Highway 124 to the beginning of the Bolivar Peninsula

Louisiana

- Canal Street from Claiborne Avenue to City Park Avenue
- Barataria Boulevard from the Westbank Expressway (Highway 90) to Highway 3134, and Highway 3134 from Barataria Boulevard to intersection with Barataria Boulevard nearest the Intercoastal Waterway

- Peters Road from Westbank Expressway to Engineers Road, and Engineers Road from Peters Road to Belle Chasse Highway
- Belle Chasse Highway (Highway 23) from Westbank Expressway (Highway 90) to beginning of the South Louisiana Zone B zone
- General de Gaulle Drive from Westbank Expressway (Highway 90) to Behrman Highway, and Behrman Highway from General de Gaulle Drive to Highway 23
- Westbank Expressway (Highway 90) from Barataria Boulevard to the west bank of the Mississippi River
- Interstate 59 from Highway 98 south of Hattiesburg to Interstate 12 in Slidell

Mississippi

- Highway 49 from Highway 98 south of Hattiesburg to Interstate 10 north of Gulfport

Alabama

- Highway 98 from Interstate 59 south of Hattiesburg to Interstate 65 in Mobile
- Interstate 65 from East Old Fort Road east of Fort Deposit to Interstate 165 in Mobile
- Interstate 10 across Mobile Bay
- Highway 98 across Mobile Bay
- Highway 59 from Interstate 65 to Interstate 10
- Highway 287 (Rabun Road) from Interstate 65 to Highway 59

Florida

- Interstate 10 from west shore of Escambia Bay to Highway 231
- Highway 331 from Interstate 10 to south shore of Choctawhatchee Bay
- Highway 331 from Interstate 10 to Highway 54
- Highway 79 from Florida/Alabama state line to Highway 30A
- Highway 109/77 from Highway 231 south of Dothan to south shore of North Bay
- Highway 231 from 231/431 loop south of Dothan to Panama City buffer zone
- Highway 319 from split from Highway 61 to Highway 98

EXHIBIT 1C

ZONE CLASSIFICATIONS AND IMPLEMENTATION

ZONE A

All geographic areas designated as Zone A are shown in YELLOW on the attached maps.

ZONE B

All geographic areas designated as Zone B are shown in PURPLE on the attached maps.

ZONE C

All geographic areas designated as Zone C are shown in RED on the attached maps.

IMPLEMENTATION ASPECTS FOR ROADWAYS AND HIGHWAYS

The following criteria shall govern whether a parcel is included within a zone:

1. On surface roads only (e.g. Canal Street in New Orleans) the following parcels shall be included:
 1. Any parcel directly accessible to a surface road via a driveway, parking lot, or on-street parking.
 2. Any parcel with the road as a street address
2. On surface roads with exit ramps and frontage roads² (e.g. Highway 49 from Hattiesburg to Gulfport), the following parcels shall be included:
 1. Any parcel directly accessible to a surface road via a driveway, parking lot, or on-street parking.
 2. Any parcel with the road as a street address
 3. Any parcel on a frontage road within 2.0 mile from the exit ramp²
 4. Any parcel within a 0.25 mile radius from the end of each exit ramp right-of-way
3. On limited access roads (e.g. Interstate 10 and Interstate 65), the following parcels shall be included:
 1. Any parcel within a 0.25 mile radius from the end of each exit ramp right-of-way
 2. Any parcel on a frontage road within 2.0 mile of the beginning access point of that frontage road²
4. If a road borders on 2 different types of zones, the parcels on this road shall be deemed to be within the more preferential zone. (Example: Zone A over Zone B).

¹ Other than excluded businesses.

² A frontage road is defined as:

- a) the closest road running parallel to a limited-access highway, and
- b) an access point that is no farther than $\frac{3}{4}$ mile from the exit ramp right-of-way.

EXHIBIT 2

Tourism

Tourism means businesses which provide services such as attracting, transporting, accommodating or catering to the needs or wants of persons traveling to, or staying in, places outside their home community. Therefore, if you are in one of the following businesses or work for such a business, you are in the Tourism Industry.¹

447110 - Gasoline Stations with Convenience Stores

This industry comprises establishments engaged in retailing automotive fuels (e.g., diesel fuel, gasohol, gasoline) in combination with convenience store or food mart items. These establishments can either be in a convenience store (i.e., food mart) setting or a gasoline station setting. These establishments may also provide automotive repair services.

Convenience food with gasoline stations
Gasoline stations with convenience stores
Gasoline with convenience stores

447190 - Other Gasoline Stations

This industry comprises establishments known as gasoline stations (except those with convenience stores) primarily engaged in one of the following: (1) retailing automotive fuels (e.g., diesel fuel, gasohol, gasoline) or (2) retailing these fuels in combination with activities, such as providing repair services; selling automotive oils, replacement parts, and accessories; and/or providing food services.

Gasoline stations without convenience stores
Marine service stations
Service stations, gasoline
Truck stops

448110 - Men's Clothing Stores

This industry comprises establishments primarily engaged in retailing a general line of new men's and boys' clothing. These establishments may provide basic alterations, such as hemming, taking in or letting out seams, or lengthening or shortening sleeves.

Apparel stores, men's and boys' clothing
Clothing stores, men's and boys'

448120 - Women's Clothing Stores

This industry comprises establishments primarily engaged in retailing a general line of new women's, misses'; and juniors' clothing, including maternity wear. These establishments may provide basic alterations, such as hemming, taking in or letting out seams, or lengthening or shortening sleeves.

Apparel stores, women's and girls' clothing
Clothing stores, women's and girls'
Maternity shops

448130 - Children's and Infants' Clothing Stores

This industry comprises establishments primarily engaged in retailing a general line of new children's and infants' clothing. These establishments may provide basic alterations, such as hemming, taking in or letting out seams, or lengthening or shortening sleeves.

Apparel stores, children's and infants' clothing
Baby clothing shops
Clothing stores, children's and infants'

¹ This Tourism Definition substitutes for the Tourism Definition previously at Bates 026632 - 026646.

448140 - Family Clothing Stores

This industry comprises establishments primarily engaged in retailing a general line of new clothing for men, women, and children, without specializing in sales for an individual gender or age group. These establishments may provide basic alterations, such as hemming, taking in or letting out seams, or lengthening or shortening sleeves.

- Clothing stores, family
- Family clothing stores
- Unisex clothing stores
- Western wear stores

448150 - Clothing Accessories Stores

This industry comprises establishments primarily engaged in retailing single or combination lines of new clothing accessories, such as hats and caps, costume jewelry, gloves, handbags, ties, wigs, toupees, and belts.

- Apparel accessory stores
- Clothing accessories stores
- Costume jewelry stores
- Furnishings stores, men's and boys'
- Furnishings stores, women's and girls'
- Handbag stores
- Hat and cap stores
- Jewelry stores, costume
- Neckwear stores
- Tie shops
- Wig and hairpiece stores

448190 - Other Clothing Stores

This industry comprises establishments primarily engaged in retailing specialized lines of new clothing (except general lines of men's, women's, children's, infants', and family clothing). These establishments may provide basic alterations, such as hemming, taking in or letting out seams, or lengthening or shortening sleeves.

- Bridal gown shops (except custom)
- Coat stores
- Costume stores (including theatrical)
- Dress shops
- Fur apparel stores
- Furriers
- Hosiery stores
- Leather coat stores
- Lingerie stores
- School uniform stores
- Swimwear stores
- T-shirt shops, custom printed
- Uniform stores (except athletic)

451110 - Sporting Goods Stores

This industry comprises establishments primarily engaged in retailing new sporting goods, such as bicycles and bicycle parts; camping equipment; exercise and fitness equipment; athletic uniforms; specialty sports footwear; and sporting goods, equipment, and accessories.

- Athletic equipment and supply stores (including uniforms)
- Bicycle (except motorized) shops
- Bowling equipment and supply stores

- Diving equipment stores
- Exercise equipment stores
- Fishing supply stores (e.g., bait)
- Footwear (e.g., bowling, golf, spiked), specialty sports, stores
- Golf pro shops
- Gun shops
- Outdoor sporting equipment stores
- Pro shops (e.g., golf, skiing, tennis)
- Saddlery stores
- Shoe stores, specialty sports footwear (e.g., bowling, golf, spiked)
- Sporting goods stores
- Sports gear stores (e.g., outdoors, scuba, skiing)
- Tack shops
- Tackle shops (i.e., fishing)
- Uniform stores, athletic

452111 - Department Stores (except Discount Department Stores)

This U.S. industry comprises establishments known as department stores that have separate departments for various merchandise lines, such as apparel, jewelry, home furnishings, and linens, each with separate cash registers and sales associates. Department stores in this industry generally do not have central customer checkout and cash register facilities.

Department stores (except discount department stores)

452990 - All Other General Merchandise Stores

This industry comprises establishments primarily engaged in retailing new goods in general merchandise stores (except department stores, warehouse clubs, superstores, and supercenters). These establishments retail a general line of new merchandise, such as apparel, automotive parts, dry goods, hardware, groceries, housewares or home furnishings, and other lines in limited amounts, with none of the lines predominating.

- Catalog showrooms, general merchandise (except catalog mail-order)
- Dollar stores
- General stores
- Home and auto supply stores
- Limited price variety stores
- Trading posts, general merchandise
- Variety stores

453220 - Gift, Novelty, and Souvenir Stores

This industry comprises establishments primarily engaged in retailing new gifts, novelty merchandise, souvenirs, greeting cards, seasonal and holiday decorations, and curios.

- Balloon shops
- Card shops, greeting
- Christmas stores
- Collectible gift shops (e.g., crystal, pewter, porcelain)
- Craft (except craft supply) stores
- Curio shops
- Gift shops
- Gift stands, permanent location
- Greeting card shops
- Novelty shops
- Party goods (e.g., paper supplies, decorations, novelties) stores
- Seasonal and holiday decoration stores

Souvenir shops

481111 - Scheduled Passenger Air Transportation

This U.S. industry comprises establishments primarily engaged in providing air transportation of passengers or passengers and freight over regular routes and on regular schedules.

Establishments in this industry operate flights even if partially loaded. Scheduled air passenger carriers including commuter and helicopter carriers (except scenic and sightseeing) are included in this industry.

- Air commuter carriers, scheduled
- Air passenger carriers, scheduled
- Commuter air carriers, scheduled
- Helicopter passenger carriers, scheduled
- Passenger air transportation, scheduled
- Passenger carriers, air, scheduled
- Scheduled air passenger carriers
- Scheduled air passenger transportation

485310 - Taxi Service

This industry comprises establishments primarily engaged in providing passenger transportation by automobile or van, not operated over regular routes and on regular schedules.

Establishments of taxicab owner/operators, taxicab fleet operators, or taxicab organizations are included in this industry.

- Cab (i.e., taxi) services
- Taxicab dispatch services
- Taxicab fleet operators
- Taxicab organizations
- Taxicab owner-operators
- Taxicab services

487110 - Scenic and Sightseeing Transportation, Land

This industry comprises establishments primarily engaged in providing scenic and sightseeing transportation on land, such as sightseeing buses and trolleys, steam train excursions, and horse-drawn sightseeing rides. The services provided are usually local and involve same-day return to place of origin.

- Buses, scenic and sightseeing operation
- Cable car, land, scenic and sightseeing operation
- Carriage, horse-drawn, operation
- Cog railway, scenic and sightseeing, operation
- Horse-drawn carriage operation
- Monorail, scenic and sightseeing, operation
- Railroad transportation, scenic and sightseeing
- Railroad, scenic and sightseeing, operation
- Railway transportation, scenic and sightseeing
- Scenic and sightseeing excursions, land
- Sightseeing bus operation
- Sightseeing operation, human-drawn vehicle
- Steam train excursions
- Tour bus, scenic and sightseeing, operation
- Tracked vehicle sightseeing operation
- Trolley, scenic and sightseeing, operation

487210 - Scenic and Sightseeing Transportation, Water

This industry comprises establishments primarily engaged in providing scenic and sightseeing transportation on water, with the exception that Charter Fishing, as defined in the Settlement Agreement, is excluded from this Tourism definition. The services provided are usually local and involve same-day return to place of origin.

- Airboat (i.e., swamp buggy) operation
- Dinner cruises
- Excursion boat operation
- Harbor sightseeing tours
- Hovercraft sightseeing operation
- Scenic and sightseeing excursions, water
- Sightseeing boat operation
- Swamp buggy operation
- Whale watching excursions

487990 - Scenic and Sightseeing Transportation, Other

This industry comprises establishments primarily engaged in providing scenic and sightseeing transportation (except on land and water). The services provided are usually local and involve same-day return to place of departure.

- Aerial cable car, scenic and sightseeing, operation
- Aerial tramway, scenic and sightseeing, operation
- Glider excursions
- Helicopter ride, scenic and sightseeing, operation
- Hot air balloon ride, scenic and sightseeing, operation
- Scenic and sightseeing excursions, aerial
- Tramway, aerial, scenic and sightseeing operation

532111 - Passenger Car Rental

This industry comprises establishments primarily engaged in renting passenger cars without drivers, generally for short periods of time.

- Automobile rental
- Car rental
- Car rental agencies
- Hearse rental
- Limousine rental without driver
- Luxury automobile rental
- Passenger car rental
- Passenger van rental
- Passenger van rental agencies
- Sport utility vehicle rental
- Van (passenger) rental

532292 - Recreational Goods Rental

This U.S. industry comprises establishments primarily engaged in renting recreational goods, such as bicycles, canoes, motorcycles, skis, sailboats, beach chairs, and beach umbrellas.

- Beach chair rental
- Beach umbrella rental
- Bicycle rental
- Boat rental, pleasure
- Canoe rental

- Exercise equipment rental
- Golf cart rental
- Houseboat rental
- Moped rental
- Motorcycle rental
- Personal watercraft rental
- Pleasure boat rental
- Recreational goods rental
- Rowboat rental
- Sailboat rental
- Ski equipment rental
- Snow ski equipment rental
- Sporting goods rental
- Sports equipment rental
- Surfboard rental
- Tent, camping, rental
- Water ski rental
- Yacht rental without crew

561520 - Tour Operators

This industry comprises establishments primarily engaged in arranging and assembling tours. The tours are sold through travel agencies or tour operators. Travel or wholesale tour operators are included in this industry.

- Tour operators (i.e., arranging and assembling tours)
- Travel tour operators
- Wholesale tour operators

561599 - All Other Travel Arrangement and Reservation Services

This U.S. industry comprises establishments (except travel agencies, tour operators, and convention and visitors bureaus) primarily engaged in providing travel arrangement and reservation services. Illustrative Examples: Condominium time-share exchange services Ticket (e.g., airline, bus, cruise ship, sports, theatrical) offices Reservation (e.g., airline, car rental, hotel, restaurant) services Ticket (e.g., amusement, sports, theatrical) agencies Road and travel services automobile clubs.

- Airline reservation services
- Airline ticket offices
- Automobile clubs, road and travel services
- Bus ticket offices
- Car rental reservation services
- Condominium time share exchange services
- Cruise ship ticket offices
- Hotel reservation services
- Motor travel clubs
- Railroad ticket offices
- Reservation (e.g., airline, car rental, hotel, restaurant) services
- Sports ticket offices
- Theatrical ticket offices
- Ticket (e.g., airline, bus, cruise ship, sports, theatrical) offices
- Ticket (e.g., airline, bus, cruise ship, sports, theatrical) sales offices
- Ticket (e.g., amusement, sports, theatrical) agencies
- Ticket (e.g., amusement, sports, theatrical) sales agencies

- Ticket agencies, amusement
- Ticket agencies, sports
- Ticket agencies, theatrical
- Ticket offices for foreign cruise ship companies
- Time share exchange services, condominium

711211 - Sports Teams and Clubs

This U.S. industry comprises professional or semiprofessional sports teams or clubs primarily engaged in participating in live sporting events, such as baseball, basketball, football, hockey, soccer, and jai alai games, before a paying audience. These establishments may or may not operate their own arena, stadium, or other facility for presenting these events.

- Baseball clubs, professional or semiprofessional
- Baseball teams, professional or semiprofessional
- Basketball clubs, professional or semiprofessional
- Basketball teams, professional or semiprofessional
- Boxing clubs, professional or semiprofessional
- Football clubs, professional or semiprofessional
- Football teams, professional or semiprofessional
- Hockey clubs, professional or semiprofessional
- Hockey teams, professional or semiprofessional
- Ice hockey clubs, professional or semiprofessional
- Jai alai teams, professional or semiprofessional
- Major league baseball clubs
- Minor league baseball clubs
- Professional baseball clubs
- Professional football clubs
- Professional sports clubs
- Roller hockey clubs, professional or semiprofessional
- Semiprofessional baseball clubs
- Semiprofessional football clubs
- Semiprofessional sports clubs
- Soccer clubs, professional or semiprofessional
- Soccer teams, professional or semiprofessional
- Sports clubs, professional or semiprofessional
- Sports teams, professional or semiprofessional

712110 - Museums

This industry comprises establishments primarily engaged in the preservation and exhibition of objects of historical, cultural, and/or educational value.

- Art galleries (except retail)
- Art museums
- Community museums
- Contemporary art museums
- Decorative art museums
- Fine arts museums
- Galleries, art (except retail)
- Halls of fame
- Herbariums
- Historical museums
- Human history museums
- Interactive museums

- Marine museums
- Military museums
- Mobile museums
- Multidisciplinary museums
- Museums
- Natural history museums
- Natural science museums
- Observatories (except research institutions)
- Planetariums
- Science and technology museums
- Sports halls of fame
- Traveling museum exhibits
- War museums
- Wax museums

712120 - Historical Sites

This industry comprises establishments primarily engaged in the preservation and exhibition of sites, buildings, forts, or communities that describe events or persons of particular historical interest. Archeological sites, battlefields, historical ships, and pioneer villages are included in this industry.

- Archeological sites (i.e., public display)
- Battlefields
- Heritage villages
- Historical forts
- Historical ships
- Historical sites
- Pioneer villages

712130 - Zoos and Botanical Gardens

This industry comprises establishments primarily engaged in the preservation and exhibition of live plant and animal life displays.

- Animal exhibits, live
- Animal safari parks
- Aquariums
- Arboreta
- Arboretums
- Aviaries
- Botanical gardens
- Conservatories, botanical
- Gardens, zoological or botanical
- Menageries
- Parks, wild animal
- Petting zoos
- Reptile exhibits, live
- Wild animal parks
- Zoological gardens
- Zoos

712190 - Nature Parks and Other Similar Institutions

This industry comprises establishments primarily engaged in the preservation and exhibition of natural areas or settings.

- Bird sanctuaries

- Caverns (i.e., natural wonder tourist attractions)
- Conservation areas
- Interpretive centers, nature
- National parks
- Natural wonder tourist attractions (e.g., caverns, waterfalls)
- Nature centers
- Nature parks
- Nature preserves
- Nature reserves
- Parks, national
- Parks, nature
- Provincial parks
- Waterfalls (i.e., natural wonder tourist attractions)
- Wildlife sanctuaries

713110 - Amusement and Theme Parks

This industry comprises establishments, known as amusement or theme parks, primarily engaged in operating a variety of attractions, such as mechanical rides, water rides, games, shows, theme exhibits, refreshment stands, and picnic grounds. These establishments may lease space to others on a concession basis.

- Amusement parks (e.g., theme, water)
- Parks (e.g., theme, water), amusement
- Piers, amusement
- Theme parks, amusement
- Water parks, amusement

713120 - Amusement Arcades

This industry comprises establishments primarily engaged in operating amusement (except gambling, billiard, or pool) arcades and parlors.

- Amusement arcades
- Amusement device (except gambling) parlors, coin-operated
- Amusement devices (except gambling) operated in own facilities
- Arcades, amusement
- Electronic game arcades
- Family fun centers
- Indoor play areas
- Pinball arcades
- Video game arcades (except gambling)

713910 - Golf Courses and Country Clubs

This industry comprises (1) establishments primarily engaged in operating golf courses (except miniature) and (2) establishments primarily engaged in operating golf courses, along with dining facilities and other recreational facilities that are known as country clubs. These establishments often provide food and beverage services, equipment rental services, and golf instruction services.

- Country clubs
- Golf and country clubs
- Golf courses (except miniature, pitch-n-putt)

713990 - All Other Amusement and Recreation Industries

This industry comprises establishments (except amusement parks and arcades; gambling industries; golf courses and country clubs; skiing facilities; marinas; fitness and recreational sports centers; and bowling centers) primarily engaged in providing recreational and amusement services.

Amateur sports teams, recreational
Amusement device (except gambling) concession operators (i.e., supplying and servicing in others' facilities)
Amusement ride concession operators (i.e., supplying and servicing in others' facilities)
Archery ranges
Athletic clubs (i.e., sports teams) not operating sports facilities, recreational
Aviation clubs, recreational
Ballrooms
Baseball clubs, recreational
Basketball clubs, recreational
Bathing beaches
Beach clubs, recreational
Beaches, bathing
Billiard parlors
Billiard rooms
Boating clubs without marinas
Boccie ball courts
Bowling leagues or teams, recreational
Boxing clubs, recreational
Boys' day camps (except instructional)
Bridge clubs, recreational
Camps (except instructional), day
Canoeing, recreational

Carnival ride concession operators (i.e., supplying and servicing in others' facilities)
Coin-operated nongambling amusement device concession operators (i.e., supplying and servicing in others' facilities)
Concession operators, amusement device (except gambling) and ride
Curling facilities
Dance halls
Discotheques (except those serving alcoholic beverages)
Driving ranges, golf
Fireworks display services
Fishing clubs, recreational
Fishing guide services
Fishing piers
Flying clubs, recreational
Football clubs, recreational
Galleries, shooting
Girls' day camps (except instructional)
Gocart raceways (i.e., amusement rides)

Gocart tracks (i.e., amusement rides)
Golf courses, miniature
Golf courses, pitch-n-putt
Golf driving ranges
Golf practice ranges
Guide services (i.e., fishing, hunting, tourist)
Guide services, fishing
Guide services, hunting
Guide services, tourist
Gun clubs, recreational
Hockey clubs, recreational
Hockey teams, recreational
Horse rental services, recreational saddle
Horseback riding, recreational
Hunting clubs, recreational
Hunting guide services
Ice hockey clubs, recreational
Jukebox concession operators (i.e., supplying and servicing in others' facilities)
Kayaking, recreational
Lawn bowling clubs
Miniature golf courses
Mountain hiking, recreational
Nightclubs without alcoholic beverages
Nudist camps without accommodations
Observation towers
Outdoor adventure operations (e.g., white water rafting) without accommodations
Pack trains (i.e., trail riding), recreational
Para sailing, recreational
Picnic grounds
Pinball machine concession operators (i.e., supplying and servicing in others' facilities)
Ping pong parlors
Pool halls
Pool parlors
Pool rooms
Racetracks, slot car (i.e., amusement devices)
Raceways, gocart (i.e., amusement rides)
Recreational camps without accommodations
Recreational day camps (except instructional)
Recreational sports clubs (i.e., sports teams) not operating sports facilities
Recreational sports teams and leagues
Riding clubs, recreational
Riding stables
Rifle clubs, recreational
River rafting, recreational
Rowing clubs, recreational
Saddle horse rental services, recreational
Sailing clubs without marinas
Sea kayaking, recreational

- Shooting clubs, recreational
- Shooting galleries
- Shooting ranges
- Skeet shooting facilities
- Slot car racetracks (i.e., amusement devices)
- Snowmobiling, recreational
- Soccer clubs, recreational
- Sports clubs (i.e., sports teams) not operating sports facilities, recreational
- Sports teams and leagues, recreational or youth
- Stables, riding
- Summer day camps (except instructional)
- Tourist guide services
- Trail riding, recreational
- Trampoline facilities, recreational
- Trapshooting facilities, recreational
- Waterslides (i.e., amusement rides)
- White water rafting, recreational
- Yacht clubs without marinas
- Youth sports leagues or teams

721110 - Hotels (except Casino Hotels) and Motels

This industry comprises establishments primarily engaged in providing short-term lodging in facilities known as hotels, motor hotels, resort hotels, and motels. The establishments in this industry may offer food and beverage services, recreational services, conference rooms and convention services, laundry services, parking, and other services.

- Alpine skiing facilities with accommodations (i.e., ski resort)
- Auto courts, lodging
- Automobile courts, lodging
- Health spas (i.e., physical fitness facilities) with accommodations
- Hotel management services (i.e., providing management and operating staff to run hotel)
- Hotels (except casino hotels)
- Hotels (except casino hotels) with golf courses, tennis courts, and/or other health spa facilities (i.e., resorts)
- Hotels, membership
- Hotels, resort, without casinos
- Hotels, seasonal, without casinos
- Membership hotels
- Motels
- Motor courts
- Motor hotels without casinos
- Motor inns
- Motor lodges
- Resort hotels without casinos
- Seasonal hotels without casinos
- Ski lodges and resorts with accommodations
- Summer resort hotels without casinos
- Tourist lodges

721191 - Bed-and-Breakfast Inns

This U.S. industry comprises establishments primarily engaged in providing short-term lodging in facilities known as bed-and-breakfast inns. These establishments provide short-term lodging in private homes or small buildings converted for this purpose. Bed-and-breakfast inns are characterized by a highly personalized service and inclusion of a full breakfast in a room rate.

Bed and breakfast inns
Inns, bed and breakfast

721199 - All Other Traveler Accommodation

This U.S. industry comprises establishments primarily engaged in providing short-term lodging (except hotels, motels, casino hotels, and bed-and-breakfast inns).

Cabins, housekeeping
Cottages, housekeeping
Guest houses
Hostels
Housekeeping cabins
Housekeeping cottages
Tourist homes
Youth hostels

721211 - RV (Recreational Vehicle) Parks and Campgrounds

This U.S. industry comprises establishments primarily engaged in operating sites to accommodate campers and their equipment, including tents, tent trailers, travel trailers, and RVs (recreational vehicles). These establishments may provide access to facilities, such as washrooms, laundry rooms, recreation halls and playgrounds, stores, and snack bars.

Campgrounds
Recreational vehicle parks
RV (recreational vehicle) parks
Travel trailer campsites

721214 - Recreational and Vacation Camps (except Campgrounds)

This U.S. industry comprises establishments primarily engaged in operating overnight recreational camps, such as children's camps, family vacation camps, hunting and fishing camps, and outdoor adventure retreats that offer trail riding, white-water rafting, hiking, and similar activities. These establishments provide accommodation facilities, such as cabins and fixed campsites, and other amenities, such as food services, recreational facilities and equipment, and organized recreational activities.

Boys' camps (except day, instructional)
Camps (except day, instructional)
Children's camps (except day, instructional)
Dude ranches
Fishing camps with accommodation facilities
Girls' camps (except day, instructional)
Guest ranches with accommodation facilities
Hunting camps with accommodation facilities
Nudist camps with accommodation facilities
Outdoor adventure retreats with accommodation facilities
Recreational camps with accommodation facilities (except campgrounds)
Summer camps (except day, instructional)
Trail riding camps with accommodation facilities

Vacation camps (except campgrounds, day instructional)

Wilderness camps

721310 - Rooming and Boarding Houses

This industry comprises establishments primarily engaged in operating rooming and boarding houses and similar facilities, such as fraternity houses, sorority houses, off-campus dormitories, residential clubs, and workers' camps. These establishments provide temporary or longer-term accommodations which, for the period of occupancy, may serve as a principal residence. These establishments also may provide complementary services, such as housekeeping, meals, and laundry services.

Boarding houses

Clubs, residential

Dormitories, off campus

Fraternity houses

Migrant workers' camps

Off campus dormitories

Residence clubs, organizational

Residential clubs

Rooming and boarding houses

Sorority houses

Workers' camps

Workers' dormitories

722110 - Full-Service Restaurants

This industry comprises establishments primarily engaged in providing food services to patrons who order and are served while seated (i.e. waiter/waitress service) and pay after eating. These establishments may provide this type of food services to patrons in combination with selling alcoholic beverages, providing carry out services, or presenting live nontheatrical entertainment.

Bagel shops, full service

Diners, full service

Doughnut shops, full service

Family restaurants, full service

Fine dining restaurants, full service

Full service restaurants

Pizza parlors, full service

Pizzerias, full service

Restaurants, full service

Steak houses, full service

722211 - Limited-Service Restaurants

This U.S. industry comprises establishments primarily engaged in providing food services (except snack and nonalcoholic beverage bars) where patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to the customer's location. Some establishments in this industry may provide these food services in combination with selling alcoholic beverages.

Carryout restaurants

Delicatessen restaurants

Drive-in restaurants

Family restaurants, limited-service

Fast-food restaurants

Pizza delivery shops

Pizza parlors, limited-service

- Pizzerias, limited-service (e.g., take-out)
- Restaurants, carryout
- Restaurants, fast food
- Sandwich shops, limited-service
- Steak houses, limited-service
- Take out eating places

722213 - Snack and Nonalcoholic Beverage Bars

This U.S. industry comprises establishments primarily engaged in (1) preparing and/or serving a specialty snack, such as ice cream, frozen yogurt, cookies, or popcorn or (2) serving nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises. These establishments may carry and sell a combination of snack, nonalcoholic beverage, and other related products (e.g., coffee beans, mugs, coffee makers) but generally promote and sell a unique snack or nonalcoholic beverage.

- Bagel shops, on premise baking and carryout service
- Beverage (e.g., coffee, juice, soft drink) bars, nonalcoholic, fixed location
- Canteens, fixed location
- Coffee shops, on premise brewing
- Confectionery snack shops, made on premises with carryout services
- Cookie shops, on premise baking and carryout service
- Doughnut shops, on premise baking and carryout service
- Fixed location refreshment stands
- Frozen custard stands, fixed location
- Ice cream parlors
- Pretzel shops, on premise baking and carryout service
- Snack bars (e.g., cookies, popcorn, pretzels), fixed location
- Soft drink beverage bars, nonalcoholic, fixed location

722310 - Food Service Contractors

This industry comprises establishments primarily engaged in providing food services at institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these type of organizations for a specified period of time. The establishments of this industry provide food services for the convenience of the contracting organization or the contracting organization's customers. The contractual arrangement of these establishments with contracting organizations may vary from type of facility operated (e.g., cafeteria, restaurant, fast-food eating place), revenue sharing, cost structure, to providing personnel. Management staff is always provided by the food service contractors.

- Airline food services contractors
- Cafeteria food services contractors (e.g., government office cafeterias, hospital cafeterias, school cafeterias)
- Food concession contractors (e.g., convention facilities, entertainment facilities, sporting facilities)
- Food service contractors, airline
- Food service contractors, cafeteria
- Food service contractors, concession operator (e.g., convention facilities, entertainment facilities, sporting facilities)
- Industrial caterers (i.e., providing food services on a contractual arrangement (except single-event basis))

722410 - Drinking Places (Alcoholic Beverages)

This industry comprises establishments known as bars, taverns, nightclubs, or drinking places primarily engaged in preparing and serving alcoholic beverages for immediate consumption. These establishments may also provide limited food services.

- Alcoholic beverage drinking places
- Bars (i.e., drinking places), alcoholic beverage
- Cocktail lounges
- Drinking places (i.e., bars, lounges, taverns), alcoholic
- Lounges, cocktail
- Nightclubs, alcoholic beverage
- Taverns (i.e., drinking places)

EXHIBIT 3

ATTACHMENT A - SEAFOOD DISTRIBUTION CHAIN DEFINITIONS

Seafood shall be defined as fish and shellfish, including shrimp, oysters, crab, and finfish, caught in the Specified Waters of the Gulf of Mexico. **Seafood** shall exclude menhaden.

This document shall establish **Seafood** distribution chain definitions, as set forth below:

1. **Commercial Fishermen, Seafood Crew, Oyster Leaseholders and Seafood Vessel Owners**

Economic loss claims by **Commercial Fishermen, Seafood Crew, Oyster Leaseholders and Seafood Vessel Owners** shall be governed by the **Seafood Program**.

Definitions for **Commercial Fisherman, Seafood Crew, Oyster Leaseholder and Seafood Vessel Owner** are set forth below:

- a. **Commercial Fisherman** shall be defined as a Natural Person or entity that holds a commercial fishing license issued by the United States and/or the State(s) of Alabama, Florida, Louisiana, Mississippi and/or Texas and derives income from catching and selling **Seafood** that he caught. The following additional definitions are relevant with regard to the **Commercial Fisherman** definition:
 - i. **Shrimp Fisherman** shall be defined as a **Commercial Fisherman** that catches shrimp.
 - ii. **Oyster Harvester** shall be defined as a **Commercial Fisherman** that harvests oysters.
 - iii. **Crab Fisherman** shall be defined as a **Commercial Fisherman** that catches crab.
 - iv. **Finfish Fisherman** shall be defined as a **Commercial Fisherman** that catches finfish.
- b. **Seafood Crew** shall be defined as the **Seafood Boat Captain, Seafood First Mate, Seafood Second Mate, Seafood Boatswain, Seafood Deckhand**, working for a **Commercial Fisherman**.
 - i. **Seafood Boat Captain** shall be defined as a Natural Person who owns or operates a **Commercial Fishing** vessel. In addition, the **Seafood Boat Captain** may plan and oversee the fishing operation, the fish to be sought, the location of the best fishing grounds, the method of capture, the duration of the trip, and the sale of the catch. A person with the job of skipper will be considered to satisfy this definition.
 - ii. **Seafood First Mate** shall be defined as a Natural Person who assists a **Seafood Boat Captain** and assumes control of the **Commercial Fishing** vessel when the **Seafood Boat Captain** is off duty, and who assists in directing the fishing operations and sailing responsibilities of the **Seafood Deckhands**, including the operation, maintenance, and repair of the vessel and the gathering, preservation, stowing, and unloading of the catch.
 - iii. **Seafood Second Mate** shall be defined as a Natural Person who assists in performing the duties of a **Seafood First Mate**.

- iv. **Seafood Boatswain** shall be defined as a Natural Person who is a highly skilled **Seafood Deckhand** with supervisory responsibilities on a **Commercial Fishing** vessel, and who directs the **Seafood Deckhands** as they carry out sailing and fishing operations.
- v. **Seafood Deckhand** shall be defined as a Natural Person who provides services on marine vessels (not personally owned or leased) to any type of **Commercial Fisherman**, including, but not limited to, the following:
 - 1. Operating fishing gear;
 - 2. Letting out and pulling in nets and lines;
 - 3. Extracting the catch;
 - 4. Washing, salting, icing and stowing the catch;
 - 5. Ensuring the decks are clear and clean at all times;
 - 6. Loading equipment and supplies prior to departure; and/or
 - 7. Unloading the catch.
- c. An **Oyster Leaseholder** shall be defined as a Natural Person or entity that is a lessee holding one or more private oyster leases.
- d. **Seafood Vessel Owner** shall be defined as a Natural Person or entity that owns a vessel and earns income from leasing or renting that vessel to a **Commercial Fisherman** and/or **Oyster Leaseholder**. A **Seafood Vessel Owner** may also be a **Commercial Fisherman** and/or an **Oyster Leaseholder**.

2. **Primary Seafood Industry**

The **Primary Seafood Industry** shall be comprised of entities and Natural Persons that satisfy the definitions of **Landing Site**, **Commercial Wholesale or Retail Dealer A**, and **Primary Seafood Processor**, and Natural Persons employed by a **Landing Site**, **Commercial Wholesale or Retail Dealer A**, or **Primary Seafood Processor**, including **Seafood Dockside Workers**.

Economic loss claims by entities and Natural Persons claiming losses related to business income required to be reported on Internal Revenue Service Form 1040 Schedules C, E or F, and that satisfy the **Primary Seafood Industry** definition above shall be compensated pursuant to the **Compensation Framework for Business Economic Loss Claims**.

Economic loss claims by **Individuals** satisfying the **Primary Seafood Industry** definition above shall be compensated pursuant to the **Framework for Individual Economic Loss Claims**.

Definitions of **Landing Site**, **Commercial Wholesale or Retail Dealer A**, **Primary Seafood Processor**, and **Seafood Dockside Worker** are set forth below:

- a. **Landing Site** shall be defined as a business at which boats first land their catch, including facilities for unloading and handling **Seafood**. A landing site may also include the provision of ice, fresh water fuel and boat repair or service in connection with the landing of **Seafood**. The following additional definition is relevant with regard to **Landing Site**:
 - i. **Seafood Dockside Worker** shall be a Natural Person performing services for a **Landing**

Site.

- b. **Commercial Wholesale or Retail Dealer A** shall be defined as an entity or Natural Person that holds a commercial wholesale or retail dealer license issued by the State(s) of Alabama, Florida, Louisiana, Mississippi and/or Texas for which 75% or more of the 2009 cost or weight in pounds of the product it purchases constitutes **Seafood** purchased directly from **Commercial Fisherman** or **Landing Site** and re-sells to **Primary Seafood Processors**, **Seafood Distributors**, **Seafood Wholesalers** and **Seafood Retailers**.
- c. **Primary Seafood Processor** shall be defined as an entity or Natural Person that receives and prepares **Seafood** purchased from a **Commercial Fisherman**, **Landing Site**, or **Commercial Wholesale or Retail Dealer** including, but not limited to, cleaning, cooking, canning, smoking, salting, drying or freezing, grading by size, packing storing **Seafood** for shipment.

3. **Secondary Seafood Industry**

The **Secondary Seafood Industry** shall be comprised of entities that satisfy the definitions of **Commercial Wholesale or Retail Dealer B**, **Secondary Seafood Processor**, **Seafood Wholesaler or Distributor**, and **Seafood Retailer**, and Natural Persons employed by a **Commercial Wholesale or Retail Dealer B**, **Secondary Seafood Processor**, **Seafood Wholesaler or Distributor**, or **Seafood Retailer**.

Economic loss claims by entities and Natural Persons claiming losses related to business income required to be reported on Internal Revenue Service Form 1040 Schedules C, E or F, and that satisfy the **Secondary Seafood Industry** definition above shall be compensated pursuant to the **Compensation Framework for Business Economic Loss Claims**.

Economic loss claims by **Individuals** satisfying the **Secondary Seafood Industry** definition above shall be compensated pursuant to the **Framework for Individual Economic Loss Claims**.

Definitions of **Commercial Wholesale or Retail Dealer B**, **Secondary Seafood Processor**, **Seafood Wholesaler or Distributor**, and **Seafood Retailer** are set forth below:

- a. **Commercial Wholesale or Retail Dealer B** shall be defined as an entity or Natural Person that holds a commercial wholesale or retail dealer license issued by the State(s) of Alabama, Florida, Louisiana, Mississippi and/or Texas for which less than 75% of the cost or weight in pounds of the product it purchases constitutes **Seafood** purchased directly from a **Commercial Fisherman** or **Landing Site**, and re-sells to **Primary Seafood Processors**, **Seafood Distributors**, **Seafood Wholesalers** and **Seafood Retailers**.
- b. **Secondary Seafood Processor** shall be defined as an entity or Natural Person that purchases **Seafood** from a **Primary Seafood Processor** in order to add further value including, but not limited to, cleaning, cooking, canning, smoking, salting, drying or freezing, grading by size packing and storing **Seafood** for shipment.
- c. **Seafood Wholesaler or Distributor** shall be defined as an entity or Natural Person that purchases **Seafood** in bulk quantities and sells to retailers such as restaurants, fish shop and supermarkets.

- d. **Seafood Retailer** shall be defined as an entity that is an end user of **Seafood** such as a restaurant, fish market or super market for which 25% or more of total food costs for 2009 constitute **Seafood**.

Concerning Item 1 of the PSC's Package To Close, dated March 1, 2012, it states: "PSC will take Deckhands and Crew—working on boats (non-Dockside workers) into the Seafood Program (Attachment "A")."

Subject to the understanding expressly set forth below, concerning Attachment A, BP agrees with the PSC's deletions on page 1 of the Attachment A, which is entitled "Seafood Distribution Chain Definitions", specifically BP agrees to delete the following from the Definitions: "and/or Other Seafood Crew....".

Subject to the same understanding expressly set forth below, BP also agrees with the PSC's deletions on page 2 of that same Attachment A, specifically, BP agrees to delete the following from the Definitions: "(6) Ensuring that the vessel's engines and equipment are kept in good working order" and BP also agrees with the other deletion on page 2 of the same Attachment A: "vi. Other Seafood Crew shall be defined as any Natural Person who provides any other services not covered by the definition of Seafood Boar Captain, Seafood First Mate, Seafood Second mate, Seafood Boatswain, or Seafood Deckhand, to any type of Commercial Fisherman, including dockside series not provided by an employee of a Landing Site."

With respect to each of the deletions from the Attachment A as set forth and quoted above, however, BP's agreement to make each of the deletions is expressly conditioned upon the express understanding with the PSC that if a member of a boat crew also performs dockside work or services incidental to or because of his primary job of serving as a member of an on-the-water crew, then such persons are included in Attachment A, and are not deleted or excluded from Attachment A's definitions. For example, if a member of the boat crew also acts as the boat's engineer, then his or her engineering services are incidental to their on the water boat crew services and hence are not deleted from Attachment A. Similarly, if a boat crew member performs dockside work incidental to his or her work for the boat, then that person is not excluded from Attachment A.

EXHIBIT 4A

Documentation Requirements for Business Economic Loss Claims¹

The framework detailed below describes the documentation requirements for business economic loss claims.

In order to be eligible for compensation, a business claimant must provide the following:

1. A Claim Form which the claimant (or claimant's representative) shall verify under penalties of perjury. The Claim Form shall direct the claimant to provide information, including the claimant's chosen Compensation Period and corresponding Benchmark Period² in the year(s) selected by the claimant. The claimant shall attach required documents supporting the claim. All statements made in and documents submitted with the Claim Form may be verified as judged necessary by the Claims Administrator.
2. Documents reflecting the business structure and ownership of the claimant, including but not limited to articles of incorporation, shareholder list(s), and partnership or limited partnership agreements.
3. Federal tax returns (including all schedules and attachments) for the years included in the claimant-selected Benchmark Period, 2010, and, if applicable, 2011.³
 - a) Provide the complete federal tax return and the applicable supporting documentation.
 - b) For self employed individuals, provide Form 1040, pages 1 and 2, along with Schedules C, D, E, and F and Form 1099 if applicable.
4. Monthly and annual profit and loss statements (which identify individual expense line items and revenue categories), or alternate source documents establishing monthly revenues and expenses for the claimed Benchmark Period,⁴ 2010 and, if applicable,

¹ These Documentation Requirements also apply generally to (i) start-up businesses and (ii) businesses claiming to have ceased operations due to and resulting from the DWH Spill, subject to such exclusions as may be noted in the frameworks governing compensation for such businesses. Other provisions of the settlement agreement might require additional documentation for specific business types.

² As used herein, Benchmark Period will have the meaning set forth in the Compensation Framework for Business Economic Loss Claims), and may include (i) 2009, (ii) 2008 and 2009, or (iii) 2007-2009. If the claimant selects a Benchmark Period including dates in years prior to 2009, the claimant shall provide the relevant documents for each of those years.

³ Claimants who must satisfy the requirements of Sections II and III of the Causation Requirements for Business Economic Loss Claims are required to submit 2011 federal tax returns.

⁴ If the claimant's Benchmark Period includes dates in years prior to 2009, the claimant shall provide the relevant documents for the applicable years.

2011.⁵ Profit and loss statements shall identify the dates on which they were created. The Claims Administrator may, in his discretion, request source documents for profit and loss statements. If there is a discrepancy between amounts reflected in a tax return and comparable items reflected in a profit and loss statement for the same period, the Claims Administrator may request the claimant to provide additional information or documentation.

5. If the claimant falls within any of the specific business types listed below, the following additional documents are required for the years included in the Benchmark Period, 2010, and, if applicable, 2011:
 - a) Retail
 - i. Monthly sales and use tax returns.
 - b) Lodging (including hotels, motels, and vacation rental properties):
 - i. Lodging tax returns;
 - ii. Occupancy reports or historical rental records, on a per unit basis if available;
 - iii. Documentation to identify how the rental property is managed, such as (i) a management contract from a third-party management company or (ii) a **Sworn Written Statement** from an owner that manages its own property.
6. Additional documents may be required depending on the causation provisions the claimant is seeking to satisfy, as reflected in "Causation Requirements for Business Economic Loss Claims". These documents include, where applicable:
 - a) Documents used to satisfy the Customer Mix Tests accompanying the Modified V-Test and/or Down Only Revenue Pattern Test:
 - i. Credit card receipts, or other contemporaneously-maintained records of payment from customers;
 - ii. Customer registration logs, such as hotel registries;
 - iii. Documentation maintained in the ordinary course of business that lists customers by location and monthly sales associated with those customers;
 - iv. Business documents reflecting contemporaneous recording of receipts or invoices listing customers by location.
 - b) Documents providing contemporaneous written evidence of the cancellation of a contract as the direct result of the DWH Spill, which the claimant was not able to replace, under the same terms, or a Sworn Written Statement from an individual third party affirming that the cancellation was Spill-related. A copy of all corresponding contracts shall also be provided.

⁵ Claimants included in Sections II or III of the Causation Requirements for Business Economic Loss Claims are required to submit 2011 monthly profit and loss statements or alternate source documents.

- c) Specific documentation identifying factors outside the control of the claimant that prevented the recovery of revenues in 2011, such as:
 - i. The entry of a competitor in 2011;
 - ii. Bankruptcy of a significant customer;
 - iii. Nearby road closures affecting the business;
 - iv. Unanticipated interruption resulting in the closure of the business;
 - v. Product/service replacement by customer; or
 - vi. Loss of financing and/or reasonable terms of renewal.
 - d) Documents created during the period April 21, 2010 - December 31, 2010, that evidence spill-related reservation cancellations during that period that the claimant was not able to rebook under the same terms, such as letters, emails, hotel logs for the relevant time, or a Sworn Written Statement from an independent third party citing the DWH Spill as the reason for the cancellation. Written evidence of the original reservation shall also be provided.
 - e) Documents demonstrating expenses associated with purchases of seafood harvested in the Gulf of Mexico during 2009, such as historical purchase orders or invoices.
 - f) Other business documents the claimant believes establish causation pursuant to the terms of the Economic and Property Damages Settlement Agreement. Purchase orders or invoices documenting seafood purchase costs for the compensation period, and for the year 2010 or 2011 if applicable.
7. Claimant must provide a copy of any applicable federal, state, or local governmental license required to operate its business. For example, claimants shall produce the following for the Benchmark Period, 2010 and, if applicable, 2011:
- a) Real estate sales licenses
 - b) Occupancy licenses (lodging businesses, including hotels, motels, and vacation rental properties)
 - c) Business or occupational licenses
 - i. Restaurant licenses
 - ii. Bars (liquor) licenses
 - iii. Taxi/livery licenses
 - iv. Service licenses or permits
8. Claimants who have received any of the payments listed below must provide documentation of the amount of payments received:
- a) VoO payments
 - b) Payments from GCCF
 - c) Payments from BP as part of its OPA claims process.

9. Additional documentation for claimants with annual revenue of \$75,000 or less which seek to establish causation on the basis of a Causation Proxy Claimant:
 - a) Sworn Written Statement from Claimant documenting the following:
 - i. Contact information and verification of status in MDL 2179 Settlement of the Causation Proxy Claimant to be used by the claimant to satisfy causation;
 - ii. Business linkage between the claimant and the Causation Proxy Claimant; and
 - iii. Proximity of the claimant to the Causation Proxy Claimant (must be within 100 yards for urban claimants and within one-quarter mile for rural claimants).
 - b) Sworn Written Statement from Causation Proxy Claimant authorizing claimant's use of the Causation Proxy Claimant's documentation to satisfy causation.
10. Form affirming that the individual filing the claim on behalf of the business is an authorized representative of the claimant.

EXHIBIT 4B

CAUSATION REQUIREMENTS FOR BUSINESSES ECONOMIC LOSS CLAIMS¹

I. Business Claimants for Which There is No Causation Requirement

- 1) If you are a business in Zone A, you are not required to provide any evidence of causation unless you fall into one of the exceptions agreed to by the parties, and listed in footnote (1).
- 2) If you are a "Landing Site," or "Commercial Wholesale or Retail Dealer A," or "Primary Seafood Processor," as set forth in "Seafood Distribution Chain Definitions," you are not required to provide any evidence of causation.
- 3) If you are in Zone A, B or C and you are a "Commercial or Wholesale or Retail Dealer B," or a "Secondary Seafood Processor," or a "Seafood Wholesaler or Distributor," or a "Seafood Retailer," as set forth in "Seafood Distribution Chain Definition," you are not required to provide any evidence of causation.
- 4) If you are in Zone A or Zone B, and you meet the "Tourism Definition," you are not required to provide any evidence of causation.
- 5) If you are in Zone A, B or C, and you meet the "Charter Fishing Definition" you are not required to provide any evidence of causation.

II. Causation Requirements for Zone B and Zone C

If you are not entitled to a presumption as set forth in (I) above and you are located in Zone B or Zone C then you must satisfy the requirements of one of the following sections A-E below:

A. V-Shaped Revenue Pattern:

Total business revenue shows the following pattern:

1. DOWNTURN: a decline of an aggregate of 8.5% or more in total revenues over a period of three consecutive months between May-December 2010 compared to the same months in the Benchmark Period selected by the claimant;² AND
2. LATER UPTURN: an increase of an aggregate of 5% or more in total revenues over the same period of three consecutive months in 2011 compared to 2010.³

OR

¹ This Causation Requirements for Business Economic Loss Claims does not apply to (i) Start-up Businesses; (ii) Failed Businesses; (iii) Entities, Individuals or Claims not included within the Economic Class definition; and (iv) Claims covered under the Seafood Program.

² See Compensation Framework for Business Economic Loss Claims.

³ See Exhibit A attached hereto for an example of how this calculation is performed.

B. Modified V-Shaped Revenue Pattern:

Total business revenue shows the following pattern:

1. **DOWNTURN:** a decline of an aggregate of 5% or more in total revenues over a period of three consecutive months between May-December 2010 compared to the same months in the Benchmark Period selected by the claimant;⁴ AND
2. **LATER UPTURN:** an increase of an aggregate of 5% or more in total revenues over the same period of three consecutive months in 2011 compared to 2010;

AND ONE OR MORE OF THE FOLLOWING:

- a. The claimant demonstrates a decline of 10% in the share of total revenue generated by non-local customers over the same period of three consecutive months from May-December 2010 as selected by claimant for the Modified V-Shaped Revenue Pattern as identified in (II.B.1) compared to the same three consecutive month period in 2009, as reflected in:⁵
 - customer credit card receipts or other contemporaneously maintained records of payment; or
 - customer registration logs (e.g., hotel registries); or
 - documentation maintained in the ordinary course of business that lists customers by location and monthly sales associated with those customers; or
 - business documents reflecting contemporaneous recording of receipts or invoices listing customers by location.⁶

OR

- b. For business claimants that have customers in Zones A-C, the claimant demonstrates a decline of 10% in the share of total revenue generated by customers located in Zones A-C over the same period of the three consecutive months from May-December 2010 as selected by claimant for the Modified V-Shaped Revenue Pattern as identified in (II.B.1) compared to the same three consecutive month period in 2009, as reflected in:

⁴ See Compensation Framework for Business Economic Loss Claims.

⁵ A Customer shall be considered a "non-local customer" if they reside more than 60 miles from a claimant business location.

⁶ See Exhibit B attached hereto for an example of how this calculation is performed.

- customer credit card receipts or other contemporaneously maintained records of payment; or
- customer registration logs (e.g., hotel registries); or
- documentation maintained in the ordinary course of business that lists customers by location and monthly sales associated with those customers; or
- business documents reflecting contemporaneous recording of receipts or invoices listing customers by location.⁷

OR

- c. The claimant provides contemporaneous written evidence of the cancellation of a contract as the direct result of the spill that claimant was not able to replace. Proof of a spill-related contract cancellation only establishes causation for the specific contract substantiated by the claimant and may result in recovery only of damages solely associated with such contract.

OR

C. Decline-Only Revenue Pattern:

1. DOWNTURN: a decline of an aggregate of 8.5% or more in revenues over a period of three consecutive months between May-December 2010 compared to the same months in the Benchmark Period selected by the claimant;⁸

AND

2. Specific documentation identifying factors outside the control of the claimant that prevented the recovery of revenues in 2011, such as:
 - The entry of a competitor in 2011
 - Bankruptcy of a significant customer in 2011
 - Nearby road closures affecting the business
 - Unanticipated interruption resulting in closure of the business
 - Product/Service replacement by Customer
 - Loss of financing and/or reasonable terms of renewal;

AND

3. ONE OF THE FOLLOWING:

⁷ See Exhibit C attached hereto for an example of how this calculation is performed.

⁸ See Compensation Framework for Business Economic Loss Claims.

- The claimant demonstrates proof of a decline of 10% in the share of total revenue generated by non-local customers over the same period of three consecutive months from May-December 2010 as selected by the claimant for the Decline-Only Revenue Pattern as identified in (II.C.1) compared to the same three consecutive month period in 2009, as reflected in:⁹
 - customer credit card receipts or other contemporaneously maintained records of payment; or
 - customer registration logs (e.g., hotel registries); or
 - documentation maintained in the ordinary course of business that lists customers by location and monthly sales associated with those customers; or
 - business documents reflecting contemporaneous recording of receipts or invoices listing customers by location.¹⁰

- For business claimants that have customers in Zones A-C, the claimant demonstrates proof of a decline of 10% in the share of total revenue generated by customers located in Zones A-C over the same period of three consecutive months from May-December 2010 as selected by the claimant for the Decline-Only Revenue Pattern as identified in (II.C.1) compared to the same three consecutive month period in 2009, as reflected in:
 - customer credit card receipts or other contemporaneously maintained records of payment; or
 - customer registration logs (e.g., hotel registries); or
 - documentation maintained in the ordinary course of business that lists customers by location and monthly sales associated with those customers; or
 - business documents reflecting contemporaneous recording of receipts or invoices listing customers by location.¹¹

OR

D. Proof of Spill-Related Cancellations

- Claimant may establish causation by providing contemporaneous written evidence of spill-related reservation cancellations (*i.e.*, letters, emails, hotel logs for the relevant time, or an affidavit from an independent third party citing the

⁹ A Customer shall be considered a "non-local customer" if they reside more than 60 miles from a claimant business location.

¹⁰ See Exhibit B attached hereto for an example of how this calculation is performed.

¹¹ See Exhibit C attached hereto for an example of how this calculation is performed.

spill as the reason for cancellation) that the claimant was unable to rebook. Proof of spill-related reservation cancellations only establishes causation for the specific cancellations substantiated by the claimant and may result in recovery only of damages solely associated with such cancellations established as causally resulting from the spill. However, if the lodging facility has food and/or beverage services on site, the evidence of cancellation shall satisfy causation for the specific losses corresponding to such cancellation in those service areas as well.

- The claimant provides contemporaneous written evidence of the cancellation of a contract as the direct result of the spill that claimant was not able to replace. In the absence of contemporaneous written evidence, the claimant must present an affidavit from an independent third party affirming that the cancellation was spill-related. Proof of a spill-related contract cancellation only establishes causation for the specific contract substantiated by the claimant and may result in recovery only of damages solely associated with such contract.

OR

- E. A non-rural business claimant on a property that is in close proximity (within 100 yards) to the property of a separate MDL 2179 business claimant that has established causation ("Causation Proxy Claimant") may rely on the documentation submitted by such Causation Proxy Claimant to satisfy these Causation Requirements for Business Economic Loss Claims. A "Rural Business" claimant located within one quarter-mile of the property of the Causation Proxy Claimant may rely on the documentation submitted by the Causation Proxy Claimant to satisfy these causation requirement only if the claimant provides information sufficient for the Claims Administrator to determine that a causal relationship exists between the claimant's financial performance and the financial performance of the Causation Proxy Claimant. A Rural Business shall be defined as one is located in area outside an Urban Area or Urban Cluster, as defined by the US Census Bureau's classification. Only business claimants with annual revenue of \$75,000 or below are eligible to establish causation under this Subpart IIE.

III. Causation Requirements for Zone D

If you are not entitled to a presumption as set forth in (I) above and you are located outside of Zones A, B or C, then you must satisfy the requirements of one of the following sections A-F below:

- A. V-Shaped Revenue Pattern:

Business revenue shows the following pattern:

1. DOWNTURN: a decline of an aggregate of 15% or more in total revenues over a period of three consecutive months between May-December 2010 compared to the same months in the Benchmark Period selected by the claimant;¹²

AND

2. LATER UPTURN: an increase of an aggregate of 10% or more in total revenues over the same period of three consecutive months in 2011 compared to 2010.¹³

OR

B. Modified V-Shaped Revenue Pattern:

Total business revenue shows the following pattern:

1. DOWNTURN: a decline of an aggregate of 10% or more in total revenues over the same period of three consecutive months between May-December 2010 compared to the same months in the Benchmark Period selected by the claimant;¹⁴

AND

2. LATER UPTURN: an increase of an aggregate of 7% or more in total revenues over the same period of three consecutive months in 2011 compared to 2010;

AND

3. ONE OF THE FOLLOWING:

- The claimant demonstrates proof of a decline of 10% in the share of total revenue generated by non-local customers over the same period of three consecutive months from May-December 2010 as selected by the claimant for the Modified V-Shaped Revenue Pattern identified in (III.B.1) compared to the same three consecutive month period in 2009, as reflected in:¹⁵

¹² See Compensation Framework for Business Economic Loss Claims.

¹³ See Exhibit A attached hereto for an example of how this calculation is performed.

¹⁴ See Compensation Framework for Business Economic Loss Claims.

¹⁵ A Customer shall be considered a "non-local customer" if they reside more than 60 miles from a claimant business location.

- customer credit card receipts or other contemporaneously maintained records of payment; or
 - customer registration logs (e.g., hotel registries); or
 - documentation maintained in the ordinary course of business that lists customers by location and monthly sales associated with those customers; or
 - business documents reflecting contemporaneous recording of receipts or invoices listing customers by location.¹⁶
- For business claimants that have customers in Zones A-C, the claimant demonstrates proof of a decline of 10% in the share of total revenue generated by customers located in Zones A-C over the same period of the three consecutive months from May-December 2010 as selected by the claimant for the Modified V-Shaped Revenue Pattern identified in (III.B.1) compared to the same three consecutive month period in 2009, as reflected in:
 - customer credit card receipts or other contemporaneously maintained records of payment; or
 - customer registration logs (e.g., hotel registries); or
 - documentation maintained in the ordinary course of business that lists customers by location and monthly sales associated with those customers; or
 - business documents reflecting contemporaneous recording of receipts or invoices listing customers by location.¹⁷
- The claimant provides contemporaneous written evidence of the cancellation of a contract as the direct result of the spill that claimant was not able to replace. Proof of a spill-related contract cancellation only establishes causation for the specific contract substantiated by the claimant and may result in recovery only of damages solely associated with such contract.

OR

C. Decline-Only Revenue Pattern:

1. DOWNTURN: a decline of an aggregate of 15% or more in total revenues over a period of three consecutive months between May-December 2010 compared to the same months in the Benchmark Period selected by the claimant without a recovery in the corresponding months of 2011;¹⁸

¹⁶ See Exhibit B attached hereto for an example of how this calculation is performed.

¹⁷ See Exhibit C attached hereto for an example of how this calculation is performed.

¹⁸ See Compensation Framework for Business Economic Loss Claims.

AND

2. Specific documentation identifying factors outside the control of the claimant that prevented the recovery of revenues in 2011:
 - The entry of a competitor in 2011
 - Bankruptcy of a significant customer in 2011
 - Nearby road closures affecting the business
 - Unanticipated interruption resulting in closure of the business
 - Produce/Source replacement by Customer,
 - Loss of financing and/or reasonable terms of renewal;

AND

3. ONE OR MORE OF THE FOLLOWING:

- The claimant demonstrates proof of a decline of 10% in the share of total revenue generated by non-local customers over the same period of three consecutive months from May-December 2010 as selected by the claimant for the Decline-Only Revenue Pattern as identified in (III.C.1) compared to the same three consecutive month period in 2009, as reflected in:¹⁹
 - customer credit card receipts or other contemporaneously maintained records of payment; or
 - customer registration logs (e.g., hotel registries); or
 - documentation maintained in the ordinary course of business that lists customers by location and monthly sales associated with those customers; or
 - business documents reflecting contemporaneous recording of receipts or invoices listing customers by location.²⁰
- For business claimants that have customers in Zones A-C, the claimant demonstrates proof of a decline of a 10% in the share of total revenue generated by customers located in Zone A, Zone B, or Zone C over the same period of three consecutive months from May-December 2010 as selected by the claimant for the Decline-Only Revenue Pattern as identified in (III.C.1) compared to the same three consecutive month period in 2009, as reflected in:
 - customer credit card receipts or other contemporaneously maintained records of payment; or
 - customer registration logs (e.g., hotel registries); or

¹⁹ A Customer shall be considered a "non-local customer" if they reside more than 60 miles from a claimant business location.

²⁰ See Exhibit B attached hereto for an example of how this calculation is performed.

- documentation maintained in the ordinary course of business that lists customers by location and monthly sales associated with those customers; or
- business documents reflecting contemporaneous recording of receipts or invoices listing customers by location.²¹

OR

D. Proof of Spill-Related Reservation Cancellations

- Claimant may establish causation by providing contemporaneous written evidence of spill-related reservation cancellations (*i.e.*, letters, emails, hotel logs for the relevant time) that the claimant was unable to rebook. Proof of spill-related reservation cancellations only establishes causation for the specific cancellations substantiated by the claimant and may result in recovery only of damages solely associated with such cancellations established as causally resulting from the spill. However, if the lodging facility has food and/or beverage services on site, the evidence of cancellation shall satisfy causation for the losses in those service areas as well.
- The claimant provides contemporaneous written evidence of the cancellation of a contract as the direct result of the spill that claimant was not able to replace. In the absence of contemporaneous written evidence, the claimant must present an affidavit from an independent third party affirming that the cancellation was spill-related. Proof of a spill-related contract cancellation only establishes causation for the specific contract substantiated by the claimant and may result in recovery of damages solely associated with such contract.

OR

E. For claimants defined as "Seafood Retailers" (including restaurants):

- Claimant demonstrates purchases of Gulf of Mexico harvested seafood from Zone A, Zone B or Zone C vendors represented at least 10% of food costs during 2009, as reflected in historical purchase orders and/or invoices.

AND

²¹ See Exhibit C attached hereto for an example of how this calculation is performed.

- Claimant demonstrates a decline of 7.5% in gross profit (gross sales less cost of goods sold) over a period of three consecutive months between May-December 2010 compared to the same months in 2009.

OR

- F. A non-rural business claimant on a property that is in close proximity (within 100 yards) to the property of a separate MDL 2179 business claimant that has established causation ("Causation Proxy Claimant") may rely on the documentation submitted by such Causation Proxy Claimant to satisfy these Causation Requirements for Business Economic Loss Claims. A "Rural Business" claimant located within one quarter-mile of the property of the Causation Proxy Claimant may rely on the documentation submitted by the Causation Proxy Claimant to satisfy these causation requirement only if the claimant provides information sufficient for the Claims Administrator to determine that a causal relationship exists between the claimant's financial performance and the financial performance of the Causation Proxy Claimant. A Rural Business shall be defined as one is located in area outside an urban area or urban cluster, as defined by the US Census Bureau's classification. Only business claimants with annual revenue of \$75,000 or below are eligible to establish causation under this Subpart IIIF.

Exhibit A

Summary of Revenue Pattern Requirements for Causation Tests

Test	Zone A		Zone B (Non-Tourism and Non-Seafood)		Zone C (Non-Seafood)		Zone D	
	Down	Up	Down	Up	Down	Up	Down	Up
V-Test	N/A		-8.5%	5%	-8.5%	5%	-15%	10%
Modified V-Test *	N/A		-5%	5%	-5%	5%	-10%	7%
Down Only Test *	N/A		-8.50%	N/A	-8.50%	N/A	-15%	N/A

* = For the Modified V-Test and the Down Only Test, additional requirements apply, as described in Sections IIB, IIC, IIIB, and IIIC above.

Examples of Revenue Pattern Requirements for Causation Tests

In these examples, the claimant is located in Zone B or C, uses 2008-2009 average as Benchmark Period, and has selected June, July and August as its three consecutive months.

Example 1:

Month	Revenue by Year				
	2008	2009	Average of 2008-2009	2010	2011
June	325,000	300,000	312,500	285,000	305,000
July	360,000	350,000	355,000	330,000	345,000
August	340,000	325,000	332,500	295,000	330,000

3-Month Aggregate: 1,025,000 975,000 1,000,000 910,000 980,000
[Sum of June, July, August]

Down Percentage: -9.0% $= (910,000 - 1,000,000) / 1,000,000$

Up Percentage: 7.7% $= (980,000 - 910,000) / 910,000$

Claimant passes V-Test. Note: A claimant that satisfies the revenue pattern requirements for the V-Test will always also satisfy the requirements for the Modified V-Test and Down Only Test.

Example 2:

Month	Revenue by Year				
	2008	2009	Average of 2008-2009	2010	2011
June	325,000	300,000	312,500	295,000	320,000
July	360,000	350,000	355,000	335,000	355,000
August	340,000	325,000	332,500	315,000	340,000

3-Month Aggregate: 1,025,000 975,000 1,000,000 945,000 1,015,000
[Sum of June, July, August]

Down Percentage: -5.5% $= (945,000 - 1,000,000) / 1,000,000$

Up Percentage: 7.4% $= (1,015,000 - 945,000) / 945,000$

*Claimant fails V Test and the Down Only Test.
Claimant has satisfied the revenue pattern requirement for the Modified V-Test and can establish causation if able to satisfy the additional requirements described in Section IIB above.*

Example 3:

Month	Revenue by Year				
	2008	2009	Average of 2008-2009	2010	2011
June	325,000	300,000	312,500	285,000	300,000
July	360,000	350,000	355,000	330,000	325,000
August	340,000	325,000	332,500	295,000	310,000

3-Month Aggregate: 1,025,000 975,000 1,000,000 910,000 935,000
[Sum of June, July, August]

Down Percentage: -9.0% $= (910,000 - 1,000,000) / 1,000,000$

Up Percentage: 2.7% $= (935,000 - 910,000) / 910,000$

*Claimant fails V Test and the Modified V-Test.
Claimant has satisfied the revenue pattern requirement for the Down Only Test and can establish causation if able to satisfy the additional requirements described in Section IIC above.*

Notes:

The causation tests would work in the same way for claimants in Zone D with higher thresholds for the tests. In Zone D, the V-Test thresholds are -15% decline, 10% upturn; the Modified V-Test thresholds are -10% decline, 7% upturn; the Down-Only Test threshold is -15%.

Examples of Revenue Pattern Requirements for Causation Tests

In these examples, the claimant is located in Zone B or C, uses 2008-2009 average as Benchmark Period, and has selected June, July and August as its three consecutive months.

Example 4 demonstrates that under an aggregate test, three months of revenues are summed. The individual months may be up or down, as long as the three month aggregate period passes the test.

Example 4A:

Month	Revenue by Year				
	2008	2009	Average of 2008-2009	2010	2011
June	325,000	300,000	312,500	285,000	305,000
July	360,000	350,000	355,000	330,000	345,000
August	340,000	325,000	332,500	295,000	330,000
3-Month Aggregate: [Sum of June, July, August]	1,025,000	975,000	1,000,000	910,000	980,000
Down Percentage:				-9.0%	$=(910,000 - 1,000,000)/1,000,000$
Up Percentage:				7.7%	$=(980,000 - 910,000)/910,000$

Claimant passes V-Test. Note: A claimant that satisfies the revenue pattern requirements for the V-Test will always also satisfy the requirements for the Modified V-Test and Down Only Test.

Example 4B:

Month	Revenue by Year				
	2008	2009	Average of 2008-2009	2010	2011
June	325,000	300,000	312,500	385,000	305,000
July	360,000	350,000	355,000	230,000	345,000
August	340,000	325,000	332,500	295,000	330,000
3-Month Aggregate: [Sum of June, July, August]	1,025,000	975,000	1,000,000	910,000	980,000
Down Percentage:				-9.0%	$=(910,000 - 1,000,000)/1,000,000$
Up Percentage:				7.7%	$=(980,000 - 910,000)/910,000$

Claimant passes V-Test.

Example 4C:

Month	Revenue by Year				
	2008	2009	Average of 2008-2009	2010	2011
June	325,000	300,000	312,500	385,000	305,000
July	360,000	350,000	355,000	430,000	345,000
August	340,000	325,000	332,500	95,000	330,000
3-Month Aggregate: [Sum of June, July, August]	1,025,000	975,000	1,000,000	910,000	980,000
Down Percentage:				-9.0%	$=(910,000 - 1,000,000)/1,000,000$
Up Percentage:				7.7%	$=(980,000 - 910,000)/910,000$

Claimant passes V-Test.

Notes:

The causation tests would work in the same way for claimants in Zone D with higher thresholds for the tests. In Zone D, the V-Test thresholds are -15% decline, 10% upturn; the Modified V-Test thresholds are -10% decline, 7% upturn; the Down-Only Test threshold is -15%.

Exhibit B

Example of Customer Mix Test (Non-Local Customers)

The claimant in this Exhibit B uses the same three-month time period as the claimant in Exhibit A (June-July-August).

To pass the test, claimants must demonstrate proof of a decline of 10% or more in the share of total revenue generated by non-local customers over the same period of three consecutive months from May-December 2010 as selected by the claimant for the Modified V-Test or Down Only Tests compared to the same three consecutive months in 2009.

Example 1:	LT= Less than	GE=Greater than or equal to
Customer Residence	June-August '09	June-August '10
LT 60 miles from claimant	\$80,000	\$66,000
GE 60 miles from claimant	\$20,000	\$14,000
Total	\$100,000	\$80,000
% GE 60 miles	20%	17.5%
<i>Claimant passes Customer Mix Test: Claimant has a 12.5 percent decline in share of total revenue from non-local customers $[12.5\% = .125 = (20 - 17.5)/20]$.</i>		

Example 2:		
Customer Residence	June-August '09	June-August '10
LT 60 miles from claimant	\$50,000	\$40,000
GE 60 miles from claimant	\$50,000	\$40,000
Total	\$100,000	\$80,000
% GE 60 miles	50%	50%
<i>Claimant fails Customer Mix Test: No change in share of total revenue from non-local customers. $[0\% = 0 = (50 - 50)/50]$.</i>		

Example 3:		
Customer Residence	June-August '09	June-August '10
LT 60 miles from claimant	\$50,000	\$48,000
GE 60 miles from claimant	\$50,000	\$40,000
Total	\$100,000	\$88,000
% GE 60 miles	50%	45.5%
<i>Claimant fails Customer Mix Test: Claimant has a 9% decline in share of total revenue from non-local customers $[9\% = .09 = (50 - 45.5)/50]$.</i>		

Exhibit C

Example of Customer Mix Test (Customers in Zones A-C)

The claimant in this Exhibit B uses the same three-month time period as the claimant in Exhibit A (June-July-August).

To pass the test, claimants must demonstrate proof of a decline of 10% or more in the share of total revenue generated by customers in Zones A-C over the same period of three consecutive months from May-December 2010 as selected by the claimant for the Modified V-Test or Down Only Tests compared to the same three consecutive months in 2009.

Example 1:

Customer Residence	June-August '09	June-August '10
Zone D	\$80,000	\$66,000
Zones A-C	\$20,000	\$14,000
Total	\$100,000	\$80,000
% Zones A-C	20%	17.5%
<i>Claimant passes Customer Mix Test: Claimant has a 12.5 percent decline in share of total revenue from customers in Zones A-C [$12.5\% = .125 = (20 - 17.5)/20$]</i>		

Example 2:

Customer Residence	June-August '09	June-August '10
Zone D	\$50,000	\$40,000
Zones A-C	\$50,000	\$40,000
Total	\$100,000	\$80,000
% Zones A-C	50%	50%
<i>Claimant fails Customer Mix Test: No change in share of total revenue from customers in Zones A-C. [$0\% = 0 = (50 - 50)/50$]</i>		

Example 3:

Customer Residence	June-August '09	June-August '10
Zone D	\$50,000	\$48,000
Zones A-C	\$50,000	\$40,000
Total	\$100,000	\$88,000
% Zones A-C	50%	45.5%
<i>Claimant fails Customer Mix Test: Claimant has a 9% decline in share of total revenue from customers in Zones A-C [$9\% = .09 = (50 - 45.5)/50$]</i>		

**Addendum To
Causation Requirements For Business Economic Loss Claims and
Compensation Framework for Business Economic Loss Claims**

The term "Benchmark Period" is defined at pp. 1-2 in the **Compensation Framework for Business Economic Loss Claims** (Ex. 4C). That definition provides:

The Benchmark Period is the pre-DWH Spill time period which claimant chooses as the baseline for measuring its historical financial performance. The claimant can select among the following Benchmark Periods: 2009; the average of 2008-2009; or the average of 2007-2009, provided that the range of years selected by the claimant will be utilized for all Benchmark Period purposes.

Footnote 2 of the **Causation Requirements For Business Economic Loss Claims** (Ex. 4B) specifically incorporates that definition of Benchmark Period by reference.

Accordingly, once the claimant selects the Benchmark Period year(s) (2009, the average of 2008-2009, or the average of 2007-2009), the **same** Benchmark Period year(s) are used "for all Benchmark Period purposes" -- specifically, the same Benchmark Period year(s) are used for purposes of determining **both** causation and compensation.

In contrast, a claimant is not required to use the same **months** in the Benchmark Period for purposes of establishing causation pursuant to Ex. 4B and determining compensation pursuant to Ex. 4C.

For example, when evaluating whether a claimant can satisfy causation using the "V Test," the claimant may select any consecutive 3-month period between May and December 2010 for comparison to a comparable period in the Benchmark Period (i.e., 2009, the average of 2008-2009, or the average of 2007-2009). After establishing causation, however, the claimant may select a different 3 or more consecutive months between May and December 2010 in determining compensation in accordance with the **Compensation Framework for Business Economic Loss Claims**, so long as the claimant uses the same Benchmark Period years as the basis for comparison. Thus, if the claimant selected for causation the three months of May - July in the Benchmark Period years of the average of 2008-2009, the claimant can select for compensation different months -- e.g., August - October -- but must use the same average of 2008-2009 Benchmark Period. The same Benchmark Period year(s) thus must be used both for causation (Ex. 4B) and compensation (Ex. 4C).

The additional examples on the next page illustrate these rules:

Scenario 1:

- 1) Claimant selected the months of May-July 2010 for the purpose of determining causation, and the claimant, using these months, meets the causation test for the Benchmark period years of 2009, 2008-2009 and 2007-2009;
- 2) In determining Compensation, Claimant would be allowed to select the months of August through November 2010 as compared to the months of August through November in either 2009, 2008-2009 or 2007-2009 as the Benchmark years – whichever provides the highest compensation.

Scenario 2:

- 1) Claimant selected the months of October – December 2010 for the purpose of determining causation and the claimant, using these months, meets the causation test for the Benchmark period years of 2009, 2008-2009;
- 2) In determining compensation, Claimant could select the months of May-September 2010 as compared to the months of May-September in either 2009 or 2008-2009 – whichever provides the highest compensation.

Scenario 3:

- 1) Claimant selected the months of June – August 2010 for the purpose of determining causation and the claimant, using these months, meets the causation test for the Benchmark period year of 2009. In addition, Claimant selected the months of August – October 2010 for the purpose of determining causation, and the claimant, using these months, meets the causation test for the Benchmark period years of 2007-2009;
- 2) In determining compensation, Claimant could select the months of May-December 2010 as compared to the months of May-December in either 2009 or 2007-2009 – whichever provides the highest compensation.

EXHIBIT 4C

Compensation Framework for Business Economic Loss Claims

The compensation framework for business claimants compares the actual profit of a business during a defined post-spill period in 2010 to the profit that the claimant might have expected to earn in the comparable post-spill period of 2010.¹ The calculation is divided into two steps:

Step 1 – Compensates claimants for any reduction in profit between the 2010 Compensation Period selected by the claimant and the comparable months of the Benchmark Period. Step 1 compensation reflects the reduction in Variable Profit (which reflects the claimant's revenue less its variable costs) over this period.

Step 2 – Compensates claimants for incremental profits or losses the claimant might have been expected to generate in the absence of the spill relative to sales from the Benchmark Period. This calculation reflects a Claimant-Specific Factor that captures growth or decline in the pre-spill months of 2010 compared to the comparable months of the Benchmark Period and a General Adjustment Factor.

For purposes of the two step calculation, the parties have agreed to a defined list of fixed and variable expenses as reflected in Attachment A.

In order to allocate payroll expenses (including Salaries and Wages, Employee Benefits, and, where applicable, 401K Payments, but excluding Owner/Officer Compensation) into fixed and variable components, a minimum level of fixed payroll costs will be measured based on the average of the two months between May 2010 and December 2010 in which the claimant had its lowest payroll costs. Certain exceptions are identified below for identifying months with the claimant's lowest payroll costs.

For claimants that include Cost of Goods Sold (COGS) in their financial statements, COGS will be treated as a variable expense after excluding, to the extent possible, the following cost items which may be embedded in COGS and are likely to be fixed in nature: Fixed COGS Payroll, Amortization, Depreciation, Insurance Expense, Interest Expense, and Contract Services.

Based on these considerations, the resulting calculations are performed to determine compensation for claimants.

I. Definitions

For the purposes of this calculation, the following are defined terms:

Compensation Period: The Compensation Period is selected by the Claimant to include three or more consecutive months between May and December 2010.

Benchmark Period: The Benchmark Period is the pre-DWH Spill time period which claimant chooses as the baseline for measuring its historical financial performance. The claimant can select among the

¹ This Compensation Framework for Business Claims does not apply to (i) start-up businesses and (ii) failed businesses. Compensation frameworks for these types of businesses will be presented separately.

following Benchmark Periods: 2009; the average of 2008-2009; or the average of 2007-2009, provided that the range of years selected by the claimant will be utilized for all Benchmark Period purposes.

Claimant-Specific Factor: In order to capture the impact of pre-DWH Spill trends in the claimant's revenue performance that might have been expected in the post-DWH Spill Benchmark Period, revenue will be adjusted by a Claimant-Specific Factor. The following steps will be used to compute the Claimant-Specific Factor:

- A. Calculate the difference between claimant's total revenue for January through April 2010 and total revenue in January through April of the corresponding claimant – selected Benchmark Period.
- B. Divide the revenue change calculated in Step A by total revenue in January through April of the Benchmark Period to derive the Claimant-Specific Factor. If the calculated Claimant-Specific Factor falls below -2% or exceeds +10%, then it will be set at -2% or +10%, respectively.

General Adjustment Factor: In addition to the Claimant-Specific factor, all Claimants shall be entitled to a 2.0% General Adjustment Factor.

Variable Profit: This is calculated for both the Benchmark Period and the Compensation Period as follows:

1. Sum the monthly revenue over the period.
2. Subtract the corresponding variable expenses from revenue over the same time period.
Variable expenses include:
 - a. Variable Costs as identified in Attachment A.
 - b. Variable portion of salaries, calculated as described below in the definition of Fixed and Variable Payroll Expenses.
 - c. Variable portion of COGS, calculated by excluding salary costs (which are discussed below in the definition of Fixed and Variable Payroll Expenses) and fixed expenses included within COGS, including Amortization, Depreciation, Insurance Expense, and Interest Expense and Contract Services.

Variable Margin: This is calculated only for the Benchmark Period and is calculated as follows:

1. Sum Variable Profit from May through December of the years selected by the claimant to be used for the Benchmark Period.
2. Sum total revenue from May through December of the years selected by the claimant to be used for the Benchmark Period.
3. Calculate Variable Margin percent as Variable Profit calculated in (1) divided by total revenue calculated in (2).

Fixed and Variable Payroll Expenses: Fixed and Variable Payroll Expenses are calculated based on the understanding that every business must operate with a minimum core staff and are defined using monthly profit and loss statements and/or those documents listed in the Documentation Requirements for Business Claims, for May through December 2010. Fixed and Variable Payroll expenses are calculated as follows:

1. Obtain monthly amounts for the following payroll expenses (excluding Owner/Officer Compensation): (a) Salaries & wages; (b) Payroll taxes (including FICA, workers compensation insurance, unemployment tax); (c) Employer costs for employee benefits. Calculations include components of salaries and related expenses included in both Selling, General & Administrative Expenses ("SG&A") and COGS.
2. Sum these payroll expenses on a monthly basis to determine the Total Payroll Expense for each month.
3. Identify the two months between May and December 2010 with the lowest Total Payroll Expense.
 - Months in which the claimant has zero revenue, zero non-officer payroll expenses, or the business is closed, will be excluded from this calculation.
4. Define "Fixed Payroll Expenses" as the average payroll expense over the two months with the lowest Total Payroll Expense.
5. For any month with Total Payroll Expenses less than Fixed Payroll Expenses, all payroll costs will be considered fixed expenses.
6. For any month with Total Payroll Expenses greater than Fixed Payroll Expenses, the excess amount of Total Payroll Expenses will be considered variable expenses.

Incremental Revenue: Incremental revenue shall be calculated as (i) the claimant's revenue in a claimant-selected period of six, seven or eight consecutive months (as set forth in Step 2 below) between May and December of the years selected by the claimant to be included in the Benchmark Period, multiplied by (ii) the Claimant-Specific Factor and the General Adjustment Factor.

II. Description of Compensation Calculation

Step 1 Compensation

Step 1 of the compensation calculation is determined as the difference in Variable Profit between the 2010 Compensation Period selected by the claimant and the Variable Profit over the comparable months of the Benchmark Period.

As noted above, the Compensation Period is selected by the Claimant to include three or more consecutive months between May and December 2010.

For claimants that participated in the VoO program, Variable Profit in the Compensation Period will exclude revenue generated by or costs incurred in connection with VoO.²

Step 2 Compensation

Step 2 of the Compensation Calculation for Business Economic Loss Claims is intended to compensate claimants for incremental profits the claimant might have been expected to generate in 2010 in the absence of the spill, based on the claimant's growth in revenue in January-April of 2010 relative to the claimant-selected Benchmark Period (2009 or (average of 2008 and 2009) or (average of 2007, 2008 and 2009)).

Calculation:

Using monthly profit and loss statements and/or those documents listed in the Documentation Requirements for Business Claims:

1. Claimant may select from the following six-consecutive month periods for calculating Step 2 Compensation:
 - a. May-October
 - b. June-November
 - c. July-December

Unless claimant chose a seven-consecutive-month or eight-consecutive-month period in Step 1, in which case that same period of identical consecutive months in 2010 shall be used for Step 2.
2. Calculate the Claimant-Specific Factor:
 - a. Calculate the difference between claimant's total revenue for January through April 2010 and total revenue in January through April of the Benchmark Period.
 - b. Divide the revenue change calculated in [2.a] by total revenue in January through April of the Benchmark Period to derive the Claimant-Specific Factor. If the calculated Claimant-Specific Factor falls below -2% or exceeds +10%, then it will be set at -2% or +10%, respectively.
3. Calculate Incremental Revenue:
 - a. Calculate total revenue in the consecutive months of the Benchmark Period selected in [1] above.
 - b. Multiply total revenue by the sum of the Claimant-Specific Factor and the General Adjustment Factor of 2% to calculate Incremental Revenue.
4. Multiply Incremental Revenue by the Variable Margin in the Benchmark Period to calculate Step 2 Compensation.

² Claimants are required to report payments received under the VoO program. If claimants that received VoO payments fail separately to report costs incurred in VoO and non-VoO activities, then Step 1 Compensation for non-VoO activity alone can be determined through a pro-rata revenue based allocation of variable costs between VoO and non-VoO related activities.

Example 1:

In this example, the claimant selects June-November as the six-consecutive month period in the Benchmark Period to calculate Step 2 Compensation:

June-November Revenue in the Benchmark Period	[a]	\$200,000
Claimant-Specific Factor	[b]	8%
General Adjustment Factor	[c]	2%
Incremental Revenue	$[d] = [a] * ([b] + [c])$	\$20,000
Variable Margin Percentage	[e]	50%
Step 2 Compensation	$[f] = [d] * [e]$	\$10,000

Example 2:

In this example, the claimant selected June-December as the seven-consecutive month Compensation Period in Step 1 and therefore must use the same period of identical consecutive months in the Benchmark Period to calculate Step 2 Compensation:

June-December Revenue in the Benchmark Period	[a]	\$220,000
Claimant-Specific Factor	[b]	8%
General Adjustment Factor	[c]	2%
Incremental Revenue	$[d] = [a] * ([b] + [c])$	\$22,000
Variable Margin Percentage	[e]	50%
Step 2 Compensation	$[f] = [d] * [e]$	\$11,000

Total Compensation

Total Compensation is calculated as follows:

- (1) Add Step 1 Compensation to Step 2 Compensation.
- (2) Apply the agreed-upon Risk Transfer Premium (RTP).
- (3) Where applicable, subtract from the sum of Step 1 Compensation and Step 2 Compensation any payments received by the claimant from BP or the GCCF pursuant to BP's OPA claims process, as well as any VoO Settlement Payment Offset and VoO Earned Income Offset.

**Addendum To
Causation Requirements For Business Economic Loss Claims and
Compensation Framework for Business Economic Loss Claims**

The term "Benchmark Period" is defined at pp. 1-2 in the **Compensation Framework for Business Economic Loss Claims** (Ex. 4C). That definition provides:

The Benchmark Period is the pre-DWH Spill time period which claimant chooses as the baseline for measuring its historical financial performance. The claimant can select among the following Benchmark Periods: 2009; the average of 2008-2009; or the average of 2007-2009, provided that the range of years selected by the claimant will be utilized for all Benchmark Period purposes.

Footnote 2 of the **Causation Requirements For Business Economic Loss Claims** (Ex. 4B) specifically incorporates that definition of Benchmark Period by reference.

Accordingly, once the claimant selects the Benchmark Period year(s) (2009, the average of 2008-2009, or the average of 2007-2009), the **same** Benchmark Period year(s) are used "for all Benchmark Period purposes" -- specifically, the same Benchmark Period year(s) are used for purposes of determining **both** causation and compensation.

In contrast, a claimant is not required to use the same **months** in the Benchmark Period for purposes of establishing causation pursuant to Ex. 4B and determining compensation pursuant to Ex. 4C.

For example, when evaluating whether a claimant can satisfy causation using the "V Test," the claimant may select any consecutive 3-month period between May and December 2010 for comparison to a comparable period in the Benchmark Period (i.e., 2009, the average of 2008-2009, or the average of 2007-2009). After establishing causation, however, the claimant may select a different 3 or more consecutive months between May and December 2010 in determining compensation in accordance with the **Compensation Framework for Business Economic Loss Claims**, so long as the claimant uses the same Benchmark Period years as the basis for comparison. Thus, if the claimant selected for causation the three months of May - July in the Benchmark Period years of the average of 2008-2009, the claimant can select for compensation different months -- e.g., August - October -- but must use the same average of 2008-2009 Benchmark Period. The same Benchmark Period year(s) thus must be used both for causation (Ex. 4B) and compensation (Ex. 4C).

The additional examples on the next page illustrate these rules:

Scenario 1:

- 1) Claimant selected the months of May-July 2010 for the purpose of determining causation, and the claimant, using these months, meets the causation test for the Benchmark period years of 2009, 2008-2009 and 2007-2009;
- 2) In determining Compensation, Claimant would be allowed to select the months of August through November 2010 as compared to the months of August through November in either 2009, 2008-2009 or 2007-2009 as the Benchmark years – whichever provides the highest compensation.

Scenario 2:

- 1) Claimant selected the months of October – December 2010 for the purpose of determining causation and the claimant, using these months, meets the causation test for the Benchmark period years of 2009, 2008-2009;
- 2) In determining compensation, Claimant could select the months of May-September 2010 as compared to the months of May-September in either 2009 or 2008-2009 – whichever provides the highest compensation.

Scenario 3:

- 1) Claimant selected the months of June – August 2010 for the purpose of determining causation and the claimant, using these months, meets the causation test for the Benchmark period year of 2009. In addition, Claimant selected the months of August – October 2010 for the purpose of determining causation, and the claimant, using these months, meets the causation test for the Benchmark period years of 2007-2009;
- 2) In determining compensation, Claimant could select the months of May-December 2010 as compared to the months of May-December in either 2009 or 2007-2009 – whichever provides the highest compensation.

EXHIBIT 4D

Attachment A

Fixed Costs

Advertising Expense	Fixed
Auto Expense	Fixed
Bank Charges	Fixed
Cleaning and Housekeeping Costs	Fixed
COGS - Fixed	Fixed
Computer and Internet Expenses	Fixed
Contract Services	Fixed
Dues and Subscriptions	Fixed
Fees	Fixed
Franchise Fees - Fixed	Fixed
Insurance	Fixed
Interest Expense	Fixed
Lease Expense	Fixed
Licenses And Taxes	Fixed
*Maintenance	Fixed
Misc Expense	Fixed
Overhead	Fixed
Postage	Fixed
Professional Services	Fixed
Property Taxes	Fixed
Renovation Expense	Fixed
Rental Expense	Fixed
Retirement Expense	Fixed
Security Services	Fixed
Storage Expense	Fixed
Supplies	Fixed
Unemployment Tax	Fixed
Uniforms	Fixed
Utilities	Fixed

Variable Costs

Bad Debt Expense	Variable
COGS - Variable	Variable
Commissions	Variable
Consumable Goods	Variable
Contract Labor	Variable
Credit Card Fees	Variable
Discounts & Rebates	Variable
Donations / Contributions	Variable
Drug Testing	Variable
Franchise Fees - Variable	Variable
Freight	Variable
Fuel Expense	Variable
Inventory Adjustment	Variable
*Repairs (excluding Maintenance)	Variable
Sales/Lodging Tax	Variable
Training & Education	Variable
Travel & Entertainment	Variable

Note: Payroll expenses (including Salaries and Wages, Employee Benefits, Overtime Wages, and, where applicable, 401K Payments, but excluding Owner/Officer Compensation) will be allocated between fixed and variable components based on the agreed-upon payroll methodology.

*If claimant's financial statements, books and/or records do not separately identify Maintenance costs and Repair costs, claimant shall allocate costs associated with Repairs and Maintenance 50% to Fixed Costs and 50% to Variable Costs.

EXHIBIT 4E

Addendum to Compensation for Business Economic Loss Claims:
Compensation for Spill-Related Cancellations

A. Eligibility

This addendum sets forth the exclusive compensation methodology for business claimants that provide appropriate documentation and which establish causation by demonstrating (a) a Spill-Related Cancellation pursuant to Causation for Business Economic Loss Claims Section II.D or Section III.D, or (b) the Modified V-Shaped Revenue Pattern *and* a contract cancellation pursuant to Causation for Business Economic Loss Claims Section II.B or Section III.B.

B. Definitions

1. A "Canceled Contract" shall be a contract (i) which was in place as of April 20, 2010, (ii) to be performed between April 21, 2010 and December 31, 2010, (iii) which was canceled between April 21, 2010 and December 31, 2010, (iv) which the claimant was unable to replace on the same or similar terms between April 21, 2010 and the date the claimant's claim is filed, and (v) for which causation was established pursuant to the provisions of Causation for Business Economic Loss Claims specified in Addendum Section A above.¹
2. A "Canceled Reservation" shall be a reservation (i) which was in place as of April 20, 2010, (ii) which was to occur between April 21, 2010 and December 31, 2010, (iii) which was canceled between April 21, 2010 and December 31, 2010, (iv) which the claimant was unable to rebook on the same or similar terms, and (v) for which causation was established pursuant to the provisions of Causation for Business Economic Loss Claims specified in Addendum Section A above.
3. A "Replacement Contract" shall be a contract (i) which the claimant entered after April 21, 2010 and after the Canceled Contract was canceled, but before December 31, 2010, (ii) which provided complete or partial replacement of profit expected from the Canceled Contract, and (iii) for which services were performed between April 21, 2010 and December 31, 2010.
4. A "Replacement Reservation" shall be a reservation (i) which the claimant booked between April 21, 2010 and December 31, 2010, and after the Canceled Reservation was canceled, (ii) which provided partial replacement of profit expected from the Canceled Reservation, and (iii) which was completed between April 21, 2010 and December 31, 2010.

C. Compensation:

Compensation for the claimants listed in Addendum Section A above shall be calculated as follows:

¹ As used in this Addendum, "contracts" shall refer to agreements entered in the normal course of business and shall specifically exclude contracts for the sale of real property, fixed assets, non-operating assets, or for all or a portion of the business itself.

1. Determine lost revenue from the Canceled Contract or Canceled Reservation

- a. "Lost Contract Revenue" shall be the amount that a claimant would have been paid by a customer between April 21, 2010 and December 31, 2010 in connection with a Canceled Contract, had that contract not been canceled as a result of the DWH Spill.

Lost Contract Revenue shall be determined based on information set forth in the Canceled Contract, and, if necessary, other contemporaneous documentation provided by the claimant, such as purchase orders or shipping schedules. Lost Contract Revenue may include any food, beverage, or other ancillary revenue that the claimant can demonstrate would have been expected in connection with the Canceled Contract.

- b. "Lost Reservation Revenue" shall be the amount that a claimant would have been paid by a customer (or customers) between April 21, 2010 and December 31, 2010 in connection with a Canceled Reservation, had that reservation not been canceled as a result of the DWH Spill.

Lost Reservation Revenue shall be determined based on information set forth in the documentation reflecting the terms of the Canceled Reservation, and/or other contemporaneous documentation provided by the claimant. Lost Reservation Revenue may include food and beverage sales that the claimant can demonstrate would have been expected in connection with the Canceled Reservation.

2. Determine lost profit associated with the Canceled Contract or Canceled Reservation

"Lost Contract Profit" shall be the amount of variable profit that a claimant would have earned between April 21, 2010 and December 31, 2010 in connection with a Canceled Contract, had that contract not been canceled as a result of the DWH Spill.

"Lost Reservation Profit" shall be the amount of variable profit that a claimant would have earned between April 21, 2010 and December 31, 2010 in connection with a Canceled Reservation, had that reservation not been canceled as a result of the DWH Spill.

If (i) the Canceled Contract or Canceled Reservation documentation either specifies costs to be incurred by the claimant, or specifies a profit margin in connection with the Canceled Contract or Canceled Reservation, or (ii) the claimant is otherwise able to provide a specific estimate of the profit expected from the Canceled Contract or Canceled Reservation based on specific accounting for prior events that took place after January 1, 2007 and were comparable in terms of type, size and revenue, the claimant's lost profits associated with the Canceled Contract or Canceled Reservation shall be determined according to (a) below. Otherwise the claimant's lost profits associated with the Canceled Contract or Canceled Reservation shall be determined according to (b) below.

a. Canceled Contracts or Canceled Reservations with Explicit Cost Information

For Canceled Contracts and/or Canceled Reservations with explicit cost information, Lost Contract Profit and Lost Reservation Profit shall be determined as follows:

- i. Identify the variable expenses that would have been incurred (but were not actually incurred) by the claimant in carrying out the Canceled Contract or Canceled Reservation according to either (i) the information set forth in the Canceled Contract or Canceled Reservation documentation, or (ii) documentation provided by the claimant regarding variable expenses incurred in connection with prior events which were comparable in terms of type, size and revenue and took place after January 1, 2007. The total variable expenses shall also include any commissions or bonuses that would have been paid to sales or other staff had the Canceled Contract or Canceled Reservation not been canceled.
- ii. Sum (a) total variable expenses associated with the Canceled Contract or Canceled Reservation and (b) any cancellation fees, non-refundable deposits or other amounts received by the claimant in connection with the Canceled Contract or Canceled Reservation and (c) the liquidation or salvage value of any product which remains unsold as of the claim filing date.
- iii. Subtract the sum of (ii) from the Lost Contract Revenue or Lost Reservation Revenue as applicable.

b. Canceled Contracts or Canceled Reservations without Explicit Cost Information

For Canceled Contracts and/or Canceled Reservations without explicit cost information, Lost Contract Profit and Lost Reservation Profit shall be determined as follows:

- i. Determine the variable margin for the claimant's business for the period May through December 2009 by dividing:
 1. The claimant's total variable expenses from May through December 2009 (where variable expenses include those identified in Attachment A to the Compensation Framework for Business Economic Loss Claims) by
 2. The claimant's total revenues from May through December 2009.
- ii. Multiply the claimant's variable margin calculated in A.2.b.i by the claimant's Lost Contract Revenue or Lost Reservation Revenue, as appropriate.
- iii. From the result of (ii), subtract any non-refundable deposits or other amounts received by the claimant in connection with the Canceled Contract or Canceled Reservation and the liquidation or salvage value of any product which remains unsold as of the claim filing date.

3. Determine revenue from the Replacement Contract or Replacement Reservation

- a. "Replacement Contract Revenue" shall be the amount that a claimant was paid by a customer between April 21, 2010 and December 31, 2010 in connection with a Replacement Contract.

Replacement Contract Revenue shall be determined based on documentation establishing actual revenue received (such as, for example, purchase orders and/or shipping schedules) including, if relevant, information set forth in the Replacement Contract, provided that actual cash receipts or other activity shall be used if conflicting information is provided. Replacement Contract Revenue must include any food, beverage, or other ancillary revenue that the claimant earned in connection with the Replacement Contract, if relevant.

- b. "Replacement Reservation Revenue" shall be the amount that a claimant was paid by a customer (or customers) between April 21, 2010 and December 31, 2010 in connection with a Replacement Reservation.

Replacement Reservation Revenue shall be determined based on documentation establishing actual revenue received, including, if relevant, information set forth in the documentation reflecting the terms of the Replacement Reservation, provided that actual cash receipts or other activity shall be used if conflicting information is provided. Replacement Reservation Revenue must include food and beverage sales that the claimant made in connection with the Replacement Reservation, if relevant.

4. Determine profit associated with the Replacement Contract or Replacement Reservation

"Replacement Contract Profit" shall be the amount of variable profit that a claimant earned between April 21, 2010 and December 31, 2010 in connection with a Replacement Contract.

"Replacement Reservation Profit" shall be the amount of profit that a claimant earned between April 21, 2010 and December 31, 2010 in connection with a Replacement Reservation.

If contemporaneous documentation regarding the Replacement Contract or Replacement Reservation establishes the actual costs incurred by the claimant in carrying out the Replacement Contract or Replacement Reservation, the claimant's variable profits associated with the Replacement Contract or Replacement Reservation shall be determined according to (a) below. Otherwise the claimant's variable profit associated with the Replacement Contract or Replacement Reservation shall be determined according to (b) below.

a. Replacement Contracts or Replacement Reservations with Actual Cost Information

- i. Identify the variable expenses that were actually incurred by the claimant in carrying out the Replacement Contract or Replacement Reservation according to documentation provided by the claimant and/or information set forth in the Replacement Contract or Replacement Reservation documentation, provided that information regarding actual costs shall be used where conflicting sources of cost information exist. The total variable expenses shall also include any commissions or bonuses that were paid to sales or other staff had the Replacement Contract or Replacement Reservation not been canceled.
- ii. Subtract the total variable expenses associated with the Replacement Contract or Replacement Reservation from the Replacement Contract Revenue or Replacement Reservation Revenue, respectively.

b. Replacement Contracts or Replacement Reservations without Actual Cost Information

- i. Determine the variable margin for the claimant's business for the period May through December 2009 by dividing:
 1. The claimant's total variable expenses from May through December 2009 (where variable expenses include those identified in Attachment A to the Compensation Framework for Business Economic Loss Claims) by
 2. The claimant's total revenues from May through December 2009.
- ii. Multiply the claimant's variable margin calculated in A.2.b.i by the claimant's Lost Contract Revenue or Lost Reservation Revenue, as appropriate.

5. Calculate Total Compensation Related to the Canceled Contract or Canceled Reservation

"Spill-Related Cancellation Compensation" shall be compensation for the Canceled Contract or Canceled Reservation, net of amounts received in connection with any Replacement Contract(s) or Replacement Reservation(s), as applicable, and shall be calculated as follows:

- a. The claimant's Lost Contract Profit/Lost Reservation Profit (calculated in Step 2), less
- b. Any Replacement Contract Profit or Replacement Reservation Profit (calculated in Step 4), less
- c. Any payments received by the claimant from BP or the GCCF pursuant to BP's OPA claims process compensating for the loss, as well as VoO Settlement Payment Offset and VoO Earned Income Offset related to the Canceled Contract or Canceled Reservation.

An RTP shall apply to claimant's Spill-Related Cancellation Compensation consistent with the claimants industry and/or zone.

D. Documentation

A claimant shall also provide documentation establishing any Replacement Contract or Replacement Reservation, including the following:

1. Documentation regarding any Canceled Contract(s) or Canceled Reservation(s), including the following:
 - a. A copy of each Canceled Contract and documentation establishing the terms of each Canceled Reservation.
 - b. Documentation providing contemporaneous written evidence that each Canceled Contract and each Canceled Reservation was canceled as the direct result of the DWH Spill, and/or a Sworn Written Statement from an individual third party affirming that each cancellation was due to or resulting from the DWH Spill.

- c. Documentation providing contemporaneous written evidence that the claimant was not able to replace each Canceled Contract or Canceled Reservation on the same or similar terms, *provided*, that if no such documentation exists, the claimant may provide a Sworn Written Statement (1) stating that no such contemporaneous written evidence exists, (2) describing the claimant's efforts to replace the Canceled Contract or Canceled Reservation, and (3) describing the extent to which the claimant was not able to replace the Canceled Contract or Canceled Reservation.
- d. If not provided in a Canceled Contract or the Canceled Reservation documentation, the claimant shall provide documentation establishing revenue (including any food, beverage or other ancillary revenue) expected in connection with that Canceled Contract and/or Canceled Reservation and one of the following:
 - i. Documentation establishing variable expenses (including any variable expenses related to any food, beverage or other ancillary revenues) incurred in connection with prior events which were comparable in terms of type, size and revenue and took place after January 1, 2007

OR

- ii. Documentation establishing the total revenue and total variable expenses for the claimant's business for the period May 1 through December 31, 2009.

Variable expenses include those identified in Attachment A to the Compensation Framework for Business Economic Loss Claims.

- e. Documentation establishing any cancellation fees, non-refundable deposits or other amounts received by the claimant in connection with the Canceled Contract or Canceled Reservation.
 - f. Documentation reflecting the liquidation or salvage value of any product which remains unsold as of the claim filing date.
2. Documentation regarding any Replacement Contract(s) or Replacement Reservation(s), if relevant, including the following:
- a. A copy of each Replacement Contract and documentation establishing the terms of each Replacement Reservation.
 - b. Documentation establishing projected and actual revenues and variable expenses related to each Replacement Contract and each Replacement Reservation, including any food, beverage or other ancillary revenue and/or expenses recognized in connection with each Replacement Contract and each Replacement Reservation. The claimant must also provide the basis for such amounts and any corresponding supporting documentation. Variable expenses include those identified in Attachment A to the Compensation Framework for Business Economic Loss Claims.

EXHIBIT 5

Compensation for Multi-Facility Businesses

This document is intended to provide options, or other guidance, to a Multi-Facility Business making a Business Economic Loss Claim. Each **Multi-Facility Business** must satisfy all documentation requirements set forth in Documentation Requirements for Business Economic Loss Claims and in II below.

The choices available to Multi-Facility Businesses are dictated by: (i) where the business' Headquarters are located; (ii) whether the business maintained separate contemporaneous profit and loss statements for each Facility; and (iii) whether all of the business' Facilities are located within the Gulf Coast Areas.

A Multi-Facility Business with its Headquarters and all Facilities located within the Gulf Coast Areas that maintained separate contemporaneous profit and loss statements for each Facility during the Benchmark Period and 2010, may, at its option, elect to file claims in one of two ways: 1) A claim for each individual Facility that the Multi-Facility Business chooses to include in the claim, or 2) a consolidated claim. If the Multi-Facility Business chooses to file separate claims for one, some, or all of its Facilities, the applicable Causation standard and RTP shall be applied separately to each claiming Facility based on its location and industry. If the Multi-Facility Business chooses to file a consolidated facility claim, the Causation standard and RTP applicable to the Headquarters shall be applied to the entire consolidated claim.

A Multi-Facility Business with its Headquarters and all Facilities located within the Gulf Coast Areas that did not maintain separate contemporaneous profit and loss statements for each Facility during the Benchmark Period and 2010, may, at its option, elect to file claims in one of two ways: 1) A claim for each individual Facility that the Multi-Facility Business chooses to include in the claim, or 2) a consolidated claim. If the Multi-Facility Business chooses to file separate claims for one, some, or all of its Facilities, the Additional Multi-Facility Business Documentation must be provided, and the Settlement Program shall apply the relevant Causation standard and RTP separately to each claiming Facility based on its location and industry. If the Multi-Facility Business chooses to file a consolidated claim, the Causation standard and RTP applicable to the Headquarters shall be applied to the entire consolidated claim.

A Multi-Facility Business with its Headquarters located within the Gulf Coast Areas that has one or more Facilities located outside of the Gulf Coast Areas and maintained separate contemporaneous profit and loss statements for each Facility during the Benchmark Period and 2010, may, at its option, elect to file claims in one of two ways: 1) A claim for each individual Facility located in the Gulf Coast Areas that the Multi-Facility Business chooses to include in the claim, or 2) a consolidated claim on behalf of all Facilities located in the Gulf Coast Areas. If the Multi-Facility Business chooses to file separate claims for one, some, or all of its Facilities located in the Gulf Coast Areas, the relevant Causation standard and RTP for each claiming Facility based on its location and industry shall apply. If the Multi-Facility Business chooses to file a consolidated claim, the Additional Multi-Facility Business Documentation must be

provided, and the Settlement Program shall utilize the Causation standard and RTP applicable to the Headquarters to determine the Settlement Payment that is owed with respect to the losses suffered by all Facilities located within the Gulf Coast Areas.

A Multi-Facility Business with its Headquarters located within the Gulf Coast Areas that has one or more Facilities located outside of the Gulf Coast Areas and did not maintain separate contemporaneous profit and loss statements for each Facility during the Benchmark Period and 2010, may, at its option, elect to file claims in one of two ways: 1) A claim for each individual Facility located in the Gulf Coast Areas that the Multi-Facility Business chooses to include in the claim, or 2) a consolidated claim on behalf of all Facilities located in the Gulf Coast Areas. If the Multi-Facility Business chooses to file separate claims for one, some, or all of its Facilities located in the Gulf Coast Areas, the Additional Multi-Facility Business Documentation must be provided and the relevant Causation standard and RTP for each claiming Facility based on its location and industry shall apply. If the Multi-Facility Business chooses to file a consolidated claim, the Additional Multi-Facility Business Documentation must be provided, and the Settlement Program shall utilize the Causation standard and RTP applicable to the Headquarters to determine the Settlement Payment that is owed with respect to the losses suffered by all Facilities located within the Gulf Coast Areas.

A Multi-Facility Business with its Headquarters located outside of the Gulf Coast Areas that maintained separate contemporaneous profit and loss statements for each Facility in the Gulf Coast Areas during the Benchmark Period and 2010, may submit separate claims for one, some or all Facilities located within the Gulf Coast Areas. The applicable Causation standard and RTP shall be applied separately to each claiming Facility based on its location and industry.

A Multi-Facility Business with its Headquarters located outside of the Gulf Coast Areas that did not maintain separate contemporaneous profit and loss statements for each Facility in the Gulf Coast Areas during the Benchmark Period and 2010, may submit a consolidated claim for all Facilities located within the Gulf Coast Areas. The Additional Multi-Facility Business Documentation must be provided, and the Settlement Program shall apply the relevant Causation standard and RTP separately to each Facility located within the Gulf Coast Areas.

I. Definitions

Multi-Facility Business: A business entity that, during the period April 1, 2010 through December 31, 2010, maintained **Facilities** in more than one location and had at least one **Facility** within the Gulf Coast Areas.

Facility: A separate and distinct physical location of a **Multi-Facility Business** at which it performs or manages its operations.

II. Multi-Facility Business Documentation

1. Separate profit and loss (P&L) statements for each individual **Facility** that were prepared and maintained in the normal course of business must be provided.
2. **Organizational Description**: A chart or description detailing all **Facilities** included in the **Multi-Facility Business**.

III. Additional Multi-Facility Business Documentation

1. **Consolidating Financial Statements**: Consolidating financial statements are required for the **Multi-Facility Business** specifying profit and loss for all **Facilities** and detailing eliminating entries required. In addition, the **Multi-Facility Business** will complete a **Sworn Written Statement** that separate profit and loss statements for each of the claiming **Facilities** do not exist, and individual **Facility** P&L statements prepared for the purpose of filing a claim are based on the business's books and records.
2. **Intercompany Transaction Reports**: Listing of all intercompany transactions between **Facilities** included in the **Multi-Facility Business**.
3. **Allocated Cost Schedule**: Listing of all shared costs between **Facilities** of the **Multi-Facility Business** and the calculations used to allocate those expenses between **Facilities**. Where a **Multi-Facility Business** prepares individual **Facility** P&L statements based on its books and records to support a claim, all shared costs shall be allocated among all **Facilities** based on their share of the total revenue of the **Multi-Facility Business**.

IV. Cost Allocation

1. Where a Multi-Facility business maintained separate contemporaneous profit and loss statements for each Facility during the Benchmark Period and 2010, and files a claim for one, some, or all facilities within the Gulf Coast Areas, all direct expenses associated with each claiming Facility in the Facility's contemporaneously-prepared P&L statements, and only such expenses, will be included in the calculation.
2. Where a **Multi-Facility Business** prepares individual **Facility** P&L statements based on its books and records to support a claim, all shared costs shall be allocated among all **Facilities** based on their share of the total revenue of the **Multi-Facility Business**.

V. Compensation

1. For a **Multi-Facility Business** which has all **Facilities** (including Headquarters) in the Gulf Coast Areas and files a consolidated claim on behalf of the entire business, compensation shall be determined as set forth in the Business Compensation Framework.
2. For any other **Multi-Facility Business**, compensation shall be calculated using the Business Compensation Framework modified as follows:
 - a. Sum lost profits and RTP(s) for all **Facilities** in claim.

- b. Subtract any spill-related Payments from the initial BP claims process and/or the GCCF to the **Multi-Facility Business** claimant.
- c. Subtract any applicable VoO Settlement Payment Offset and/or any applicable VoO Earned Income Offset.

EXHIBIT 6

Failed Business Compensation Framework¹

I. Definitions

A "Failed Business" shall be an entity that commenced operations prior to November 1, 2008, and that, subsequent to May 1, 2010 but prior to December 31, 2011, either (i) ceased operations and wound down, or (ii) entered bankruptcy (through the filing of a petition for bankruptcy protection in a court of competent jurisdiction), or (iii) otherwise initiated or completed a liquidation of substantially all of its assets.

A "Failed Start-Up Business" shall be an entity that commenced operations on or after November 1, 2008, and, subsequent to May 1, 2010 but prior to December 31, 2011, either (i) ceased operations and wound down, or (ii) entered bankruptcy (through the filing of a petition for bankruptcy protection in a court of competent jurisdiction), or (iii) otherwise initiated or completed a liquidation of substantially all of its assets.

II. Causation Requirements

If the claim is not excluded by the application of III below, a claimant may establish causation as follows:

1. If the claimant is a Failed Business or a Failed Start-Up Business in Zone A, the claimant is not required to provide any evidence of causation unless you fall into the exception agreed to by the parties, and listed in footnote (1).
2. If the claimant is a Failed Business or a Failed Start-Up Business meeting the definition of a "Commercial Fisherman," or "Landing Site," or "Commercial Wholesale or Retail Dealer A," or "Primary Seafood Processor," as set forth in "Seafood Distribution Chain Definitions," the claimant is not required to provide any evidence of causation.
3. If the claimant is a Failed Business or a Failed Start-Up Business in Zone A, B or C and the claimant is also a "Commercial or Wholesale or Retail Dealer B," or a "Secondary Seafood Processor," or a "Seafood Wholesaler or Distributor," or a "Seafood Retailer," as set forth in "Seafood Distribution Chain Definition," the claimant is not required to provide any evidence of causation.
4. If the claimant is a Failed Business or a Failed Start-Up Business in Zone A or Zone B, and the claimant also meets the "Tourism Definition," the claimant is not required to provide any evidence of causation.

¹ This Failed Business Compensation Framework does not apply to (i) Start-Up businesses (except Failed Start-Ups), (ii) Entities, Individuals or Claims not included within the Economic Class definition; or (iii) Claims covered under the Seafood Program.

5. If you are in Zone A, B or C, and you meet the "Charter Fishing Definition" you are not required to provide any evidence of causation.
6. If the claimant is a Failed Business in Zone B not receiving a presumption, causation may be established by demonstrating the following:
 - a. A 8.5% decline in revenues during the months for which it operated between May 2010 and its last full month of operations (not to extend beyond April 2011) as compared to the comparable months during the period of May 2009 through April 2010.

AND

- b. The Administrator is provided evidence through documentation and/or affidavits that provide a reasonable basis to conclude that the DWH Spill was a substantial cause of the revenue decline. For example, the claimant provides evidence of customer cancellations or lost contracts related to the DWH Spill.
7. If the claimant is a Failed Business that meets the definition of "Seafood Retailer" operating outside of Zone A, B, or C, the claimant may alternatively establish causation by showing that it experienced a 15% increase in costs during the months for which it operated between May 2010 and its last full month of operations (not to extend beyond April 2011) as compared to the comparable months during the period from May 2009 through April 2010. The claimant must also establish the specific basis for the cost increase and that, absent the DWH Spill, the increase in costs would not have occurred.
8. If the claimant is a Failed Start-Up Business in Zone B not receiving a presumption, causation may be established by demonstrating the following:
 - a. A 8.5% decline in revenues during the months for which it operated between May 2010 and its last full month of operations (not to extend beyond April 2011) relative to expected revenue in the same time period as demonstrated by contemporaneous financial projections (to the extent available) and expressed as a percentage of expected revenue;²

AND

- b. The Administrator is provided evidence through documentation and/or affidavits that provide a reasonable basis to conclude that the DWH Spill was a substantial cause of the revenue decline. For example, the

² See Exhibit A attached hereto for an example of how this calculation is performed.

claimant provides evidence of customer cancellations or lost contracts related to the DWH Spill.

9. If the claimant is a Failed Business or Failed Start-Up Business in Zone C, then paragraphs 6 and 8 apply with the percentage of decline changing to 10%.
10. If the claimant is a Failed Business or Failed Start-Up Business in Zone D, then paragraphs 6 and 8 apply with the percentage of decline changing to 15%.

III. Excluded Business Failure

Any Failed Business satisfying subparts (a), (b), or (c), below shall not be entitled to compensation pursuant to section IV.

- a. The Failed Business or Failed Start-Up Business reported negative EBITDA³ for the twelve month period prior to May 1, 2010 (or, in the event that the claimant is a Failed Start-Up Business with less than twelve months of operating history, negative EBITDA for the months during which the business operated prior to May 1, 2010).
- b. The Failed Business or Failed Start-Up Business was in default prior to May 1, 2010 under any existing financing agreement.
- c. The Failed Business or Failed Start-Up Business is located in Zone D and does not satisfy the "Tourism" or "Seafood Distribution Chain" definitions.

IV. Documentation Requirements

1. Claimant shall provide the following documentation:
 - a. An affidavit from an authorized representative of the claimant certifying the following:
 - b. The position of the affiant, his or her relationship to the claimant, and certification that the affiant is authorized to act on behalf of the claimant.
 - c. The date on which the entity was incorporated and the date on which it began operations.
 - d. Certification that, as of May 1, 2010:

³ EBITDA is defined as earnings before interest, income taxes, depreciation, amortization and owner's compensation.

- i. No bankruptcy filing, asset liquidation, or debt restructuring had been initiated; (A renewal of a business loan will not be deemed restructuring.)
 - ii. The business was in full compliance with all covenants as to financial condition governing outstanding borrowing or credit agreements prior to the DWH Spill; and
 - iii. All documentation submitted consists of or was derived from documents maintained in the ordinary course of business.
2. Documents reflecting corporate or partnership organization (e.g., articles of incorporation or partnership agreements).
3. Actual annual and monthly financial statements (including income statements and balance sheets) for at least all of 2009 and January-April of 2010 or if the claimant is a Failed Start-Up Business, for all months of operation prior to May 1, 2010. Claimant may prepare financial statements from contemporaneous business records currently maintained, as long as the claimant provides the documents or information upon which any subsequently-prepared financial statements are based.
4. Actual annual and monthly financial statements (including income statements and balance sheets) for May 2010 through present, or through the liquidation of the company, or cessation of operation, whichever occurs first. Claimant may prepare financial statements from contemporaneous business records currently maintained, as long as the claimant provides the documents or information upon which any subsequently-prepared financial statements are based.
5. Any and all credit agreements, promissory notes, lease agreements, letters of credit and other loan documentation, including any notices of default, in existence as of April 20, 2010 or entered into thereafter including amendments related thereto.
6. Any and all projections, forecasts or budgets prepared prior to April 20, 2010 projecting, predicting or forecasting the financial performance of the business for any period after April 20, 2010.
7. To the extent applicable, any and all bankruptcy schedules, including the original petition, any confirmed plans of liquidation or reorganization, and any documentation evidencing standing to pursue claims if vested with any entity or other party other than the debtor filing bankruptcy. To the extent the claimant has not filed for bankruptcy protection, (a) documentation reflecting the company's entry into the liquidation process, (b) any and all documentation reflecting the standing or authority of the claimant to pursue any claims of the

business, and (c) any documentation evidencing standing to pursue claims if vested with any entity or other party other than the claimant pursuing the liquidation of its assets.

8. Evidence of any asset sales, including a description of each asset and the corresponding sales prices, and evidence of any payments of liquidation proceeds in satisfaction of debt and/or other creditor obligations.
9. A listing of any assets which have not been liquidated at the time of the claim submission, including a description of each asset, the recorded net book value of each asset, and, if available, all certified appraisals of the value of each asset.
10. A listing of any debt and/or trade creditor obligations outstanding at the time of the claim submission.

V. Compensation

1. For Failed Businesses that meet one of the causation requirements set forth above, claimant compensation shall be determined as follows:
 - a. Sum the latest twelve months EBITDA of the business for the twelve month period prior to May 1, 2010.
 - b. Identify the general industry in which claimant operates and locate the corresponding median Market Value of Invested Capital ("MVIC") to EBITDA multiple from Table 1 below. If an appropriate industry and multiple cannot be found in the Table 1, use the "All Deals" median MVIC to EBITDA multiple at the bottom of the table.
 - c. Multiply the EBITDA by the MVIC to EBITDA multiple to calculate the Pre-DWH Spill total enterprise value ("TEV").
 - d. Determine the Liquidation Value of assets as either (i) the court-approved reorganization value, to the extent reorganized under bankruptcy law process or (ii) sales proceeds from assets liquidated plus certified appraisal values of assets yet to be liquidated under a plan of liquidation, net of actual or anticipated liquidation costs (including out-of-pocket costs to the claimant for the liquidation or wind down process), as relevant. If no certified appraisal exists for un-liquidated assets, net book values will be used. The total liquidation value (including both realized and unrealized amounts) shall be increased for any creditor claims existing pre-DWH Spill and discharged during bankruptcy, and any amounts received by the claimant from BP or the GCCF pursuant to BP's OPA Claims process, or profits earned by the claimant by participating in any BP-sponsored spill remediation program to determine the Net

Liquidation Value. However, no credit will be taken for unliquidated assets that the claimant tenders to BP.

- e. Calculate claimant compensation by subtracting the Net Liquidation Value from the Pre-DWH Spill TEV.
 - f. A Risk Transfer Premium ("RTP") will not be applied to claimant compensation for Failed Businesses because the measurement of TEV incorporates the future lost profits of the business.
2. For Failed Start-Up Businesses that meet one of the causation requirements set forth above, claimant compensation shall be calculated as follows:
- a. Calculate book value of equity as of May 1, 2010.
 - b. Subtract amounts distributed to equity holders subsequent to the DWH Spill.
 - c. Add the total current amount of unpaid obligations of claimant to its creditors.
 - d. Subtract the book value of assets remaining to be liquidated unless such assets are tendered to BP then the value shall not be subtracted.
 - e. Subtract any other proceeds received by the claimant from BP or the GCCF pursuant to BP's OPA Claims process, or profits earned by the claimant by participating in any BP-sponsored spill remediation program.
 - f. Where a Failed Start-Up Business receives compensation under this framework, compensation shall be provided to the claimant for an owner's "sweat equity" if the owners submit affidavits setting forth for each owner (i) the nature of services provided by that owner to the claimant for which the owner received no compensation or less than fair market compensation, (ii) the time period over which the services were rendered, (iii) the average amount of time per week devoted to the Failed Start-Up Business, and, (iv) if employed outside the Failed Start-Up Business during the time the business operated, a description of that employment.

Where these criteria are satisfied, claimant shall be entitled to "sweat equity" compensation as set forth below. In addition, two example calculations are attached hereto as Exhibit B.

- 1. Step 1: Calculate the Monthly Sweat Equity Benchmark Income pursuant to Step 1 subparts (a) through (d).

Step 1a: Identify the "Commencement Date": the day that the Failed Start-Up Business commenced operations.

Step 1b: Identify the "Sweat Equity Contribution Start Date": the date when the owner first began performing sweat equity work or the date six months prior to the Commencement Date, whichever yields the shorter time period.

Step 1c: Establish the Sweat Equity Benchmark Period: The Sweat Equity Benchmark Period shall consist of the time period from the "Sweat Equity Benchmark Period Start Date" through the "Sweat Equity Benchmark Period End Date."

The "Sweat Equity Benchmark Period Start Date" will be either:

- a) January 1 of the calendar year preceding the year in which the Sweat Equity Contribution Start Date occurred, or
- b) January 1 of any year prior to the year identified in (a) above, but not preceding January 1, 2007.

For example, for a business with a Commencement Date of January 1, 2010, and a Sweat Equity Contribution Start Date of August 10, 2009, the claimant may choose as the Sweat Equity Benchmark Period Start Date either January 1, 2008 or January 1, 2007.

The "Sweat Equity Benchmark Period End Date" shall be defined as the end of the last full month preceding the Sweat Equity Contribution Start Date. For example, if the Sweat Equity Contribution Start Date was August 10, 2009, the Sweat Equity Benchmark Period End Date will be July 31, 2009.

Step 1d: Calculate the "Monthly Sweat Equity Benchmark Income." The owner shall provide documentation of income earned for the Sweat Equity Benchmark Period, including tax returns, W-2s, year-end pay stub information and, if available, monthly or other periodic pay stubs or other records reflecting monthly earned income ("Earned Income Documentation"). Monthly Sweat Equity Benchmark Income shall be determined by dividing:

- (i) Total income earned from all employers and/or activities (including self-employment) during the

Sweat Equity Benchmark Period, as reflected in
Earned Income Documentation

by

- (ii) The total number of months in the Sweat Equity Benchmark Period, adjusted, if relevant, to exclude months where the owner provides documents evidencing that
 - a. No income was earned, *and*
 - b. The owner was not employed, functioning as an independent contractor, or otherwise engaged in income-generating activities unrelated to the Failed Start-Up Business. For example, if the owner was a real estate agent operating as an independent contractor, the owner must include all months for which he or she functioned as a real estate agent, even if no income was earned in a particular month.
- 2. Step 2: For each owner, determine the "Sweat Equity Compensation Period" as the period from his or her Sweat Equity Contribution Start Date to the date the Failed Start-Up Business (i) ceased operations and wound down, or (ii) entered bankruptcy (through the filing of a petition for bankruptcy protection in a court of competent jurisdiction), or (iii) otherwise initiated or completed a liquidation of substantially all of its assets ("Failure Date"). Total Monthly Sweat Equity across all owners in a given month is calculated by summing the monthly Sweat Equity Benchmark Income for each owner with sweat equity in the relevant month for all months in the Sweat Equity Compensation Period. The maximum amount of Total Monthly Sweat Equity in any month is \$12,500. Total Sweat Equity represents the sum of the Total Monthly Sweat Equity for all owners and cannot exceed \$150,000.
- 3. Step 3: To determine Net Sweat Equity for each owner, from the Total Sweat Equity in Step 2, subtract (i) any funds (including payroll earnings, draws, cancelled loans or other distributions) actually paid to an owner by the Failed Start-Up during its

operation and (ii) any income earned by the owner from employment outside the Failed Start-Up. These amounts shall be established by the owner providing documentation in the form of tax returns, W-2s, year-end pay stub information or the Failed Start-Up's contemporaneously maintained payroll records.

- g. An RTP will not be applied to claimant compensation for Failed Start-Up Businesses.

Table 1: Industry Multiples

General SIC Code	Industry Description	Median MVIC to EBITDA Multiple
41	Local And Suburban Transit And Interurban Highway Passenger Transportation	3.1x
42	Motor Freight Transportation And Warehousing	2.9x
44	Water Transportation	7.1x
45	Transportation By Air	4.6x
47	Transportation Services	3.6x
48	Communications	5.5x
50	Wholesale Trade-durable Goods	5.0x
51	Wholesale Trade-non-durable Goods	3.9x
52	Building Materials, Hardware, Garden Supply, And Mobile Home Dealers	3.4x
53	General Merchandise Stores	1.5x
54	Food Stores	2.4x
55	Automotive Dealers And Gasoline Service Stations	1.8x
56	Apparel And Accessory Stores	2.6x
57	Home Furniture, Furnishings, And Equipment Stores	3.5x
58	Eating And Drinking Places	1.9x
59	Miscellaneous Retail	3.2x
65	Real Estate	2.8x
70	Hotels, Rooming Houses, Camps, And Other Lodging Places	1.8x
72	Personal Services	2.3x
73	Business Services	4.4x
75	Automotive Repair, Services, And Parking	3.3x
76	Miscellaneous Repair Services	4.0x
79	Amusement And Recreation Services	2.1x
81	Legal Services	3.2x
82	Educational Services	4.6x
83	Social Services	4.1x
87	Engineering, Accounting, Research, Management, And Related Services	5.0x
	All Deals	3.2x

Source: Pratt's Stats® - Private Company Merger and Acquisition Transaction Database. Data reflects all deals in the database with a disclosed MVIC to EBITDA multiple and a report date of January 1, 2008 or later.

Exhibit A

Summary of Revenue Decline Causation Tests for Failed Businesses

	Zone A	Zone B (Non-Tourism and Non-Seafood)	Zone C (Non-Seafood)	Zone D
	Decline Threshold	Decline Threshold	Decline Threshold	Decline Threshold
Revenue Decline Test	N/A	-8.5%	-10.0%	-15%

Exhibit A (continued)

Example of Revenue Decline Causation Tests for Failed Business Claims

In Examples 1 and 2, the claimant is assumed to be in Zone B and the claimant's last full month of operations is July 2010. These examples demonstrate a claimant that passes and a claimant that fails the Revenue Decline Causation Test.

Example 1:

Month	Revenue by Year	
	2009	2010
May	300,000	250,000
June	350,000	275,000
July	325,000	225,000
3-Month Aggregate: [Sum of June, July, August]	975,000	750,000
Revenue Decline Percentage:		-23.1% $= (750,000 - 975,000) / 975,000$
<i>Claimant Passes Revenue Decline Test</i>		

Example 2:

Month	Revenue by Year	
	2009	2010
May	300,000	295,000
June	350,000	335,000
July	325,000	315,000
3-Month Aggregate: [Sum of June, July, August]	975,000	945,000
Revenue Decline Percentage:		-3.1% $= (945,000 - 975,000) / 975,000$
<i>Claimant Fails Revenue Decline Test</i>		

Notes:

Revenue Decline Causation Test works in the same way for claimants in Zones C or D, with higher thresholds for the revenue decline. In Zone C the revenue decline percentage must be 10%. In Zone D the revenue decline percentage must be 15%.

Exhibit A (continued)

**Example of Revenue Decline Causation Tests for Failed Business Claims
Claimant in Zone B (8.5% Revenue Decline Test)**

In Examples 3A-C the claimant is assumed to be in Zone B and the claimant's last full month of operations is July 2010. Examples 3A-C demonstrate that under an aggregate test, three months of revenues are summed. The individual months may be up or down, as long as the three month aggregate period passes the test.

Example 3A:

Month	Revenue by Year	
	2009	2010
May	300,000	250,000
June	350,000	275,000
July	325,000	225,000
3-Month Aggregate: [Sum of June, July, August]	975,000	750,000
Revenue Decline Percentage:		-23.1% $= (750,000 - 975,000) / 975,000$
<i>Claimant Passes Revenue Decline Test</i>		

Example 3B:

Month	Revenue by Year	
	2009	2010
May	300,000	350,000
June	350,000	175,000
July	325,000	225,000
3-Month Aggregate: [Sum of June, July, August]	975,000	750,000
Revenue Decline Percentage:		-23.1% $= (750,000 - 975,000) / 975,000$
<i>Claimant Passes Revenue Decline Test</i>		

Example 3C:

Month	Revenue by Year	
	2009	2010
May	300,000	350,000
June	350,000	375,000
July	325,000	25,000
3-Month Aggregate: [Sum of June, July, August]	975,000	750,000
Revenue Decline Percentage:		-23.1% $= (750,000 - 975,000) / 975,000$
<i>Claimant Passes Revenue Decline Test</i>		

Notes:

Revenue Decline Causation Test works in the same way for claimants in Zones C or D, with higher thresholds for the revenue decline. In Zone C the revenue decline percentage must be 10%. In Zone D the revenue decline percentage must be 15%.

Exhibit B**Examples of Sweat Equity Calculation****Example 1:****Step 1: Calculate Monthly Sweat Equity Benchmark Income**

Step 1a: Identify the Commencement Date of Operations	January 1, 2010	[a]
Step 1b: Identify the Sweat Equity Contribution Start Date (6 months or less prior to the Commencement Date)	August 10, 2009	[b]
Step 1c: Establish the Sweat Equity Benchmark Period		
Sweat Equity Benchmark Period Start Date (Must begin no later than January 1 of the calendar year preceding the year in which the Sweat Equity Contribution Start Date occurred. However, the Claimant may, if relevant, elect a longer period and add the twelve months of 2008 or the 24 months of 2007 and 2008. Period ends with the last full month preceding the Sweat Equity Contribution Start Date.)	Option 1: January 1, 2008 - or - Option 2: January 1, 2007	[c] [d]
Sweat Equity Benchmark Period End Date (Last full month prior to the Sweat Equity Contribution Start Date)	July 31, 2009	[e]
Step 1d: Calculate Monthly Sweat Equity Benchmark Income		
Historical Earned Income		
January - December 2007 Earned Income	\$50,000	[f]
January - December 2008 Earned Income	\$55,000	[g]
January - July 2009 Earned Income	\$35,000	[h]
Sweat Equity Benchmark Period Options		
Option 1: January 1, 2008 - July 30, 2009^[1]		
Total Compensation	\$90,000	[i]=[g]+[h]
Number of Months in Period with Earned Income	19	[j]=count of months from [c] to [e]
Average Monthly Compensation	\$4,737	[k]=[i]/[j]
Option 2: January 1, 2007 - July 30, 2009^[2]		
Total Compensation	\$140,000	[l]=[f]+[g]+[h]
Number of Months in Period with Earned Income	31	[m]=count of months from [d] to [e]
Average Monthly Compensation	\$4,516	[n]=[l]/[m]
Owner Selects Option 1 for Monthly Benchmark Period Income (Maximum of \$12,500)	\$4,737	[o]=maximum of [k] and [n]

Step 2: Calculate Total Sweat Equity

Failure Date (Date the Failed Start-Up either (i) ceased operations and wound down, (ii) filed for bankruptcy protection, or (iii) otherwise initiated or completed a liquidation of substantially all of its assets)	December 31, 2010	[p]
Selected Average Monthly Benchmark Period Income	\$4,737	= [o]
Number of Months Sweat Equity Provided (Number of months between the Sweat Equity Contribution Start Date and the Failure Date)	17	[q]=count of months from [b] to [p]
Total Gross Sweat Equity (Maximum of \$150,000)	\$80,526.32	[r]=[o]*[q]

Step 3: Calculate Net Sweat Equity Compensation by Subtracting Actual Earned Income

Actual Earned Income after the Sweat Equity Contribution Start Date	\$0	[s]
Net Sweat Equity Compensation	\$80,526	[t]=[r]-[s]

Notes:

[1] Claimant uses only the minimum time to calculate the Sweat Equity Benchmark Period, which provides a larger monthly amount here.

[2] Claimant uses the full months available to calculate the Sweat Equity Benchmark Period.

Exhibit B (continued)**Example 2:****Step 1: Calculate Monthly Sweat Equity Benchmark Income**

Step 1a: Identify the Commencement Date of Operations	December 10, 2008	[a]
Step 1b: Identify the Sweat Equity Contribution Start Date (6 months or less prior to the Commencement Date)	August 10, 2008	[b]
Step 1c: Establish the Sweat Equity Benchmark Period		
Sweat Equity Benchmark Period Start Date (Must begin no later than January 1 of the calendar year preceding the year in which the Sweat Equity Contribution Start Date occurred. However, the Claimant may, if relevant, elect a longer period and add the twelve months of 2008 or the 24 months of 2007 and 2008. Period ends with the last full month preceding the Sweat Equity Contribution Start Date.)	January 1, 2007	[c]
Sweat Equity Benchmark Period End Date (Last full month prior to the Sweat Equity Contribution Start Date)	July 30, 2008	[d]
Step 1d: Calculate Monthly Sweat Equity Benchmark Income		
Historical Earned Income		
January - December 2007 Earned Income	\$50,000	[e]
January - July 2008 Earned Income	\$30,000	[f]
Sweat Equity Benchmark Period (One Option)		
January 1, 2007 - July 30, 2008		
Total Compensation	\$80,000	[g]=[e]+[f]
Number of Months in Period with Earned Income	19	[h]=count of months from [c] to [d]
Average Monthly Compensation	\$4,211	[i]=[g]/[h]
Monthly Benchmark Period Income (Maximum of \$12,500)	\$4,211	[j]=[i]

Step 2: Calculate Total Sweat Equity

Failure Date (Date the Failed Start-Up either (i) ceased operations and wound down, (ii) filed for bankruptcy protection, or (iii) otherwise initiated or completed a liquidation of substantially all of its assets)	December 31, 2010	[k]
Selected Average Monthly Benchmark Period Income	\$4,211	= [j]
Number of Months Sweat Equity Provided (Number of months between the Sweat Equity Contribution Start Date and the Failure Date)	29	[l]=count of months from [b] to [k]
Total Gross Sweat Equity (Maximum of \$150,000)	\$122,105	[m]=[j]*[l]

Step 3: Calculate Net Sweat Equity Compensation by Subtracting Actual Earned Income

Actual Earned Income after the Sweat Equity Contribution Start Date	\$0	[n]
Net Sweat Equity Compensation	\$122,105	[o]=[m]-[n]

EXHIBIT 7

Framework for Start-up Business Claims

The framework outlined below applies to claims for start-up businesses. For purposes of this Framework, a "Start-up Business" is considered to be a claimant with less than eighteen months of operating history at the time of the DWH Spill.¹

I. DEFINITIONS²

Business Compensation Framework: Business Compensation Framework is the Compensation Framework for Business Economic Loss Claims.

Compensation Period: The Compensation Period is selected by the claimant to include three or more consecutive months between May 2010 and April 2011.

Benchmark Period: The Benchmark Period is the post-spill time period between May 2011 and April 2012 corresponding to the months of the Compensation Period that serves as the basis for estimating the claimant's Expected Profit during 2010.

Fixed and variable payroll expenses shall be calculated in the same manner as in the Business Compensation Framework, provided that subpart 3 of the "Fixed & Variable Payroll Expenses (SG&A and COGS)" Definition shall be modified to identify the two months between May and December 2010 with the lowest Total Payroll Expense.

Variable Costs shall be determined in accordance with Business Compensation Framework Attachment A.

II. OVERVIEW

As set forth more fully in the Compensation Calculation section below, 2010 claimant compensation (before any adjustments) will be calculated according to the following methodology:

- A. Establish (i) the revenue the claimant would have expected to earn during the Compensation Period in the absence of the DWH Spill ("Expected Revenue"), and (ii) the variable costs the claimant would have expected to incur during the Compensation Period ("Expected Costs") to generate the Expected Revenue.

¹ This Framework for Start-up Business Claims does not apply to (i) Failed Businesses; (ii) Entities, Individuals or Claims not included within the Economic Class definition; or (iii) Claims covered under the Seafood Program.

² In addition to the following, other terms are defined in this document and indicated by initial capitals.

The difference between Expected Revenue and Expected Costs is Expected Profit.

- B. Calculate actual profit/loss realized by the claimant during the Compensation Period based on the difference between (i) actual revenue, and (ii) actual variable costs.
- C. Deduct actual profit/loss from Expected Profit over the Compensation Period to determine the Base Compensation Loss.

III. CAUSATION REQUIREMENTS

A. Start-Up Businesses in Zones A, B and C For Which Causation Shall Be Presumed

- 1) If the claimant is a Start-up Business in Zone A that is not excluded pursuant to the exception agreed to by the parties, and listed in footnote (1), the claimant is not required to provide any evidence of causation.
- 2) If the claimant is a Start-up Business meeting the definition of a "Commercial Fisherman," or "Landing Site," or "Commercial Wholesale or Retail Dealer A," or "Primary Seafood Processor," as set forth in "Seafood Distribution Chain Definitions," the claimant is not required to provide any evidence of causation.
- 3) If the claimant is a Start-up Business in Zone A, B or C and the claimant is also a "Commercial or Wholesale or Retail Dealer B," or a "Secondary Seafood Processor," or a "Seafood Wholesaler or Distributor," or a "Seafood Retailer," as set forth in "Seafood Distribution Chain Definition," the claimant is not required to provide any evidence of causation.
- 4) If the claimant is a Start-up business in Zone B, and the claimant also meets the "Tourism Definition," the claimant is not required to provide any evidence of causation.
- 5) If you are in Zone A, B or C, and you meet the "Charter Fishing Definition" you are not required to provide any evidence of causation.

B. Causation Requirements For Start-Up Businesses In Zones B and C

If the claimant is located within Zones B or C and not entitled to a presumption, it must establish:

1. **UPTURN REVENUE PATTERN PLUS**

a. Claimant must demonstrate:

1. If in Zone B, an increase of an aggregate of 8.5% or more in total revenues over a period of three consecutive months from May 2011 to April 2012 compared to the same months from May 2010 to April 2011 as selected by the claimant;³
2. If in Zone C, an increase of an aggregate of 10% or more in total revenues over a period of three consecutive months from May 2011 to April 2012 compared to the same months from May 2010 to April 2011 as selected by the claimant;⁴

AND

b. one or more of the following:

1. For business claimants that have customers in Zones A-C, the claimant demonstrates proof of an aggregate of 10% increase in the share of total revenue generated by customers located in Zones A-C over the same period of three consecutive months from May 2011 to April 2012 as selected by the claimant for the upturn revenue pattern as identified in § III.B.1.a compared to the same three consecutive month period from May 2010 to April 2011,⁵ as reflected in:
 - (a) customer credit card receipts or other contemporaneously maintained records of payment; or
 - (b) customer registration logs (e.g., hotel registries); or
 - (c) documentation maintained in the ordinary course of business that lists customers by location and monthly sales associated with those customers; or

³ See Exhibit A attached hereto for an example of how this calculation is performed.

⁴ See Exhibit A attached hereto for an example of how this calculation is performed.

⁵ See Exhibit B attached hereto for an example of how this calculation is performed.

- (d) business documents reflecting contemporaneous recording of receipts or invoices listing customers by location; or
- (e) Any other documentation providing evidence of the portion of the claimant's revenue projected to be generated by customers in Zones A-C versus outside of Zones A-C during the Compensation Period. The claimant must be able to demonstrate that the projections were prepared prior to the DWH Spill and provided to and utilized by a financial institution extending credit to the Start-up Business.

OR

- 2. For businesses meeting the Tourism Definition or the Seafood Distribution Chain Definition, the claimant demonstrates proof of an aggregate of 10% increase in the share of total revenue generated by non-local customers⁶ over the same period of three consecutive months from May 2011 to April 2012 as selected by claimant for the upturn revenue pattern as identified in § III.B.1.a compared to the same three consecutive month period from May 2010 to April 2011,⁷ as reflected in:

- (a) customer credit card receipts or other contemporaneously maintained records of payment; or
- (b) documentation maintained in the ordinary course of business that lists customers by location and monthly sales associated with those customers; or
- (c) business documents reflecting contemporaneous recording of receipts or invoices listing customers by location; or
- (d) customer registration logs (e.g., hotel registries); or

⁶ A Customer shall be considered a "non-local customer" if they reside more than 60 miles from a claimant business location.

⁷ See Exhibit C attached hereto for an example of how this calculation is performed.

- (e) Any other documentation providing evidence of the portion of claimant's revenue projected to be generated by local versus non-local customers during the Compensation Period. The claimant must be able to demonstrate that the projections were prepared prior to the DWH Spill and provided to and utilized by a financial institution extending credit to the Start-up Business.

OR

2. **Proof of Spill-Related Cancellations**

- a. Claimant may establish causation by providing contemporaneous written evidence of spill-related reservation cancellations (*i.e.*, letters, emails, hotel logs for the relevant time, or an affidavit from an independent third party citing the DWH Spill as the reason for cancellation) that the claimant was unable to rebook ("Un-replaced Cancellations"). Proof of Un-replaced Cancellations only establishes causation for those specific Un-replaced Cancellations substantiated by the claimant and may result in recovery only with respect to such Un-replaced Cancellations. However, if the lodging facility has food and/or beverage services on site, the evidence of Un-replaced Cancellations shall satisfy causation for the specific losses corresponding to such Un-replaced Cancellations in those service areas as well.

OR

- b. The claimant provides contemporaneous written evidence of the cancellation of a contract, or loss of previously-committed capital investments from investors and/or business loans arising from the DWH Spill that the claimant was not able to replace. In the absence of contemporaneous written evidence, the claimant must present an affidavit from an independent third party affirming that the cancellation or loss was spill-related. Proof of any spill-related contract cancellations or losses discussed above only establishes causation for the specific loss substantiated by the claimant and may result in recovery of amounts solely associated with such loss.

C. Causation Requirements for Start-Up Businesses in Zone D

If the claimant is located within Zone D, it must establish one or more of the following:

1. **UPTURN REVENUE PATTERN PLUS**

- a. an increase of an aggregate of 15% or more in total revenues over a period of three consecutive months from May 2011 to April 2012 compared to the same months from May 2010 to April 2011 as selected by the claimant;⁸

AND

b. one of the following:

- 1. For business claimants that have customers in Zones A-C, the claimant demonstrates proof of an aggregate of 10% increase in the share of total revenue generated by customers located in Zones A-C over the same period of three consecutive months from May 2011 to April 2012 as selected by the claimant for the upturn revenue pattern as identified in § III.C.1.a compared to the same three consecutive month period from May 2010 to April 2011,⁹ as reflected in:
 - (a) customer credit card receipts or other contemporaneously maintained records of payment;
 - (b) customer registration logs (e.g., hotel registries);
 - (c) documentation maintained in the ordinary course of business that lists customers by location and monthly sales associated with those customers; or
 - (d) business documents reflecting contemporaneous recording of receipts or invoices listing customers by location.

⁸ See Exhibit A attached hereto for an example of how this calculation is performed.

⁹ See Exhibit B attached hereto for an example of how this calculation is performed.

OR

2. For businesses meeting the Tourism Definition or the Seafood Distribution Chain Definition, the claimant demonstrates proof of an aggregate of 10% increase in the share of total revenue generated by non-local customers over the same period of three consecutive months from May 2011 to April 2012 as selected by claimant for the upturn revenue pattern as identified in § III.C.1.a compared to the same three consecutive month period from May 2010 to April 2011,¹⁰ as reflected in:
 - (a) customer credit card receipts or other contemporaneously maintained records of payment; or
 - (b) customer registration logs (e.g., hotel registries).
 - (c) documentation maintained in the ordinary course of business that lists customers by location and monthly sales associated with those customers; or
 - (d) business documents reflecting contemporaneous recording of receipts or invoices listing customers by location.

2. PROOF OF SPILL-RELATED CANCELLATIONS

- a. Claimant may establish causation by providing contemporaneous written evidence of spill-related reservation cancellations (i.e., letters, emails, hotel logs for the relevant time, or an affidavit from an independent third party citing the DWH Spill as the reason for cancellation) that the claimant was unable to rebook ("Un-replaced Cancellations"). Proof of Un-replaced Cancellations only establishes causation for those specific Un-replaced Cancellations substantiated by the claimant and may result in recovery only with respect to such Un-replaced Cancellations. However, if the lodging facility has food and/or beverage services on site, the evidence of Un-replaced Cancellations shall satisfy causation for the specific losses corresponding to such Un-replaced Cancellations in those service areas as well.

¹⁰ See Exhibit C attached hereto for an example of how this calculation is performed.

OR

- b. The claimant provides contemporaneous written evidence of the cancellation of a contract, or loss of previously-committed capital investments from investors and/or business loans arising from the DWH Spill that the claimant was not able to replace. In the absence of contemporaneous written evidence, the claimant must present an affidavit from an independent third party affirming that the cancellation or loss was spill-related. Proof of any spill-related contract cancellations or losses discussed above only establishes causation for the specific loss substantiated by the claimant and may result in recovery of amounts solely associated with such loss.

IV. COMPENSATION CALCULATION

A. Determination of Claimant's Expected Profit/Loss

1. Claimant's Expected Revenue and Expected Costs shall equal, respectively:
 - a. Actual revenue earned and actual variable costs incurred by claimant's business during the Benchmark Period; or
 - b. Claimants can alternatively elect to establish Expected Revenue and Expected Costs based on financial projections for the Start-up Business. Projections must be prepared prior to the DWH Spill and provided to and utilized by a financial institution, other entity in the primary business of lending or investing money (ex.- private equity firms, investment banks, etc.), or non-family private investors with business lending experience (hereafter referred to as "Lender") who confirm their use of such projections in extending credit to the Start-up Claimant.
 - c. Regardless of the basis upon which Expected Revenue and Expected Costs are established, the determination will exclude any one-time non-operating income/expenses (including, but not limited to, any business interruption insurance proceeds received by the claimant during the relevant period), any payments received by the claimant from BP or the GCCF pursuant to BP's OPA Claims process for the same business claim.

2. Claimant's Expected Profit/Loss for the Compensation Period will be calculated as the difference between the claimant's Expected Revenue and Expected Costs, provided that Expected Revenue and Expected Costs must both be based on actual results from the Benchmark Period, or, if alternatively selected by claimants in Zones B and C, both Expected Revenue and Expected Costs must both be based on qualifying projections as described herein.

B. Determination of Claimant's Actual Profit/Loss

1. Actual Profit/Loss generated over the Compensation Period will be calculated as the difference between (i) the claimant's actual revenues and (ii) the claimant's actual variable costs, both for the Compensation Period.
2. Actual revenue and actual Variable Costs will exclude any one-time non-operating income/expenses (including any business interruption insurance proceeds received by the claimant during the relevant period), any payments received by the claimant from BP or the GCCF pursuant to BP's OPA Claims process. Further, for claimants that participated in the VoO program, Actual Profit/Loss will exclude revenue generated by or costs incurred in connection with VoO.¹¹

C. Calculation of Claimant Compensation

1. Calculate the claimant's Base Compensation Loss as the difference between (i) claimant's Expected Profit/Loss and (ii) the claimant's Actual Profit/Loss generated over the Compensation Period.
2. Apply the agreed-upon RTP.
3. Deduct any payments received by the claimant from BP or the GCCF pursuant to BP's OPA claims process, any VoO Settlement Payment Offset and VoO Earned Income Offset, where applicable.

D. DOCUMENTATION REQUIREMENTS

In addition to the relevant information requirements set forth in the Documentation Requirements for Business Claims, the following supplemental information may be required:

¹¹ Claimants are required to report payments received under the VoO program. If claimants that received VoO payments fail separately to report costs incurred in VoO and non-VoO activities, then Actual Profit/Loss for non-VoO activity alone can be determined through a pro-rata revenue based allocation of variable costs between VoO and non-VoO related activities.

1. Contemporaneously prepared monthly financial statements from the inception of the start-up business through 2011.
2. Documents evidencing loss of previously-committed capital investments from investors and/or business loans due, and the inability to procure replacement financing, as relevant. Acceptable documentation includes a letter withdrawing capital, or other contemporaneous documentation evidencing the investment withdrawal.
3. Evidence of any payments received by the claimant from BP or the GCCF pursuant to BP's OPA claims process.
4. All financial projections (or business plans containing financial projections) prepared for the Start-up Business prior to the DWH Spill, and contemporaneous documentation and/or written confirmation from the Lender establishing that such projections were submitted to and utilized by the Lender prior to extending credit to the Start-up Business.
 - a. Additional documentation as necessary to provide the background and experience of any Lenders not regulated by a government agency (ex.- FDIC, SEC, etc.).
 - b. Written confirmation from Lender that projections submitted as part of the claim were utilized by the Lender in granting credit prior to the DWH Spill.
5. Claimants shall provide an executed subrogation waiver or indemnity in the release.

Exhibit A

**Example of Upturn Revenue Causation Tests for Start-Up Business Claims
Claimant in Zone B (8.5% Upturn Revenue Test)**

Examples 1 and 2 demonstrate a claimant that passes or fails the Upturn Revenue Causation Test.

Example 1:

Month	Revenue by Year	
	2010	2011
June	285,000	320,000
July	330,000	350,000
August	295,000	335,000
3-Month Aggregate: [Sum of June, July, August]	910,000	1,005,000
Upturn Revenue Percentage:		10.4% $= (1,005,000 - 910,000) / 910,000$
<i>Claimant Passes Upturn Revenue Test</i>		

Example 2:

Month	Revenue by Year	
	2010	2011
June	285,000	290,000
July	330,000	330,000
August	295,000	315,000
3-Month Aggregate: [Sum of June, July, August]	910,000	935,000
Upturn Revenue Percentage:		2.7% $= (935,000 - 910,000) / 910,000$
<i>Claimant Fails Upturn Revenue Test</i>		

Notes:

Upturn Revenue Causation Test works in the same way for claimants in Zones C or D, with higher thresholds for the revenue upturn. In Zone C the upturn revenue percentage must be 10%. In Zone D the upturn revenue percentage must be 15%.

In these examples the Start-Up business claimant has selected June, July, and August as the three consecutive months to use.

**Example of Upturn Revenue Causation Tests for Start-Up Business Claims
Claimant in Zone B (8.5% Upturn Revenue Test)**

Example 3 demonstrates that under an aggregate test, three months of revenues are summed. The individual months may be up or down, as long as the three month aggregate period passes the test.

Example 3A:

Month	Revenue by Year	
	2010	2011
June	285,000	320,000
July	330,000	350,000
August	295,000	335,000
3-Month Aggregate: [Sum of June, July, August]	910,000	1,005,000
Upturn Revenue Percentage:		10.4% $= (1,005,000 - 910,000) / 910,000$
<i>Claimant Passes Upturn Revenue Test</i>		

Example 3B:

Month	Revenue by Year	
	2010	2011
June	285,000	220,000
July	330,000	450,000
August	295,000	335,000
3-Month Aggregate: [Sum of June, July, August]	910,000	1,005,000
Upturn Revenue Percentage:		10.4% $= (1,005,000 - 910,000) / 910,000$
<i>Claimant Passes Upturn Revenue Test</i>		

Example 3C:

Month	Revenue by Year	
	2010	2011
June	285,000	220,000
July	330,000	250,000
August	295,000	535,000
3-Month Aggregate: [Sum of June, July, August]	910,000	1,005,000
Upturn Revenue Percentage:		10.4% $= (1,005,000 - 910,000) / 910,000$
<i>Claimant Passes Upturn Revenue Test</i>		

Notes:

Upturn Revenue Causation Test works in the same way for claimants in Zones C or D, with higher thresholds for the revenue upturn. In Zone C the upturn revenue percentage must be 10%. In Zone D the upturn revenue percentage must be 15%.

In these examples the Start-Up business claimant has selected June, July, and August as the three consecutive months to use.

Exhibit B

Example of Customer Mix Test for Start Up Business Claimants (Customers in Zones A-C)

Based on 3-month time period selected for Modified V or Down-Only test

Example 1:		LT= Less than	GE=Greater than or equal to
Customer Residence	Aggregate of June-August '10	Aggregate of June-August '11	
Zone D	\$80,000	\$85,000	
Zones A-C	\$20,000	\$25,000	
Total	\$100,000	\$110,000	
% Zones A-C	20%	23%	
<i>Claimant passes Customer Mix Test: Claimant has a 15 percent increase in share of revenue from customers in Zones A-C [15%= .15 = (23-20)/20]</i>			

Example 2:		
Customer Residence	Aggregate of June-August '10	Aggregate of June-August '11
Zone D	\$50,000	\$55,000
Zones A-C	\$50,000	\$55,000
Total	\$100,000	\$110,000
% Zones A-C	50%	50%
Claimant fails Customer Mix Test: No change in share of revenue from customers in Zones A-C.		

Example 3:

Customer Residence	Aggregate of June-August '10	Aggregate of June-August '11
Zone D	\$50,000	\$55,000
Zones A-C	\$50,000	\$65,000
Total	\$100,000	\$120,000
% Zones A-C	50%	54%
Claimant fails Customer Mix Test: Claimant has an 8% increase in share of revenue from customers in Zones A-C [8% = .08 = (54-50)/50]		

Exhibit C

Example of Customer Mix Test for Start Up Business Claimants (Non-Local Customers)

Based on 3-month time period selected for Modified V or Down-Only test

Example 1:	LT= Less than	GE=Greater than or equal to
<u>Customer Residence</u>	<u>Aggregate of June-August '10</u>	<u>Aggregate of June-August '11</u>
LT 60 miles from claimar	\$80,000	\$85,000
GE 60 miles from claimar	\$20,000	\$25,000
Total	\$100,000	\$110,000
% GE 60 miles	20%	23%
<i>Claimant passes Customer Mix Test: Claimant has a 15 percent increase in share of revenue from non-local customers [15%= .15 = (23-20)/20]</i>		

Example 2:		
<u>Customer Residence</u>	<u>Aggregate of June-August '10</u>	<u>Aggregate of June-August '11</u>
LT 60 miles from claimar	\$50,000	\$55,000
GE 60 miles from claimar	\$50,000	\$55,000
Total	\$100,000	\$110,000
% GE 60 miles	50%	50%
<i>Claimant fails Customer Mix Test: No change in share of revenue from non-local customers.</i>		

Example 3:		
<u>Customer Residence</u>	<u>Aggregate of June-August '10</u>	<u>Aggregate of June-August '11</u>
LT 60 miles from claimar	\$50,000	\$55,000
GE 60 miles from claimar	\$50,000	\$65,000
Total	\$100,000	\$120,000
% GE 60 miles	50%	54%
<i>Claimant fails Customer Mix Test: Claimant has an 8% increase in share of revenue from non-local customers [8% = .08 = (54-50)/50]</i>		

EXHIBIT 8A

Framework for Individual Economic Loss Claims

Overview

Individual economic loss claims are claims by **Individuals**, who shall be defined as (i) Natural Persons who (a) satisfy (or whose employers satisfy) the Class Definition and (b) whose losses are not excluded from the Class and (ii) who seek compensation for lost earnings from employment due to or resulting from the DWH Spill for claims that are not excluded from the Class, with the following exceptions:

1. All Natural Persons (other than Natural Persons addressed in 2, 3 and 4 below) claiming losses related to business income required to be reported on Internal Revenue Service Form 1040 Schedules C, E or F are governed by the **Documentation Requirements for Business Economic Loss Claims**, **Causation Requirements for Business Economic Loss Claims**, and **Compensation Framework for Business Economic Loss Claims**, or, if appropriate, the **Failed Business Framework** or the **Start-up Business Framework**, rather than this **Framework for Individual Economic Loss Claims**.¹
2. All Natural Persons claiming losses as an **Individual Periodic Vendor ("IPV")** or a **Festival Vendor** are governed by the **Addendum to Individuals Framework – IPVs and Festival Vendors**.²
3. Claims for lost earnings from employment as a **Commercial Fisherman**, **Seafood Crew**, **Oyster Leaseholder**, or **Seafood Vessel Owner**, all as defined in the **Seafood Distribution Chain Definitions**, shall be compensated through the **Seafood Program**, rather than this **Framework for Individual Economic Loss Claims**.
4. Claims by self-employed Natural Persons who satisfy the definition of a **Commercial Fisherman**, **Seafood Crew**, **Oyster Leaseholder**, or **Seafood Vessel Owner**, all as defined in the **Seafood Distribution Chain Definitions**, shall be compensated through the **Seafood Program**, rather than this **Framework for Individual Economic Loss Claims**.

As detailed below, **Individual** compensation for lost earnings is calculated as the difference between (i) a claimant's **Expected Earnings** for a specified period of time after the DWH Spill and (ii) a claimant's **Actual Earnings** over the same specified period.³ Each claimant must submit proof of earnings during the relevant time periods, as well as specified additional documentation to establish that the DWH Spill caused a loss of earnings.

Under this **Framework for Individual Economic Loss Claims**, a claimant may recover for lost earnings by submitting a sworn Claim Form and supporting documentation (when required) establishing that the claimant satisfies the documentation and causation requirements of one of

¹ Words or phrases in **Capitalized Bold-face Type** are defined terms with the meaning set forth in the "Definitions" section of this **Individual Economic Loss Claim Framework**.

² The terms **IPV** and **Festival Vendor** are defined in the **Addendum to Individuals Framework – IPVs and Festival Vendors**.

³ All damages paid shall be paid on a pre-tax basis with proper Form 1099 or other reporting as required by the IRS.

four alternative methodological categories. These categories, which are set forth fully in Sections I-IV of this **Framework for Individual Economic Loss Claims**, are summarized below.⁴

- I. INDIVIDUAL CLAIMANTS WITH CONTEMPORANEOUS TAX DOCUMENTS FOR 2010 AND BENCHMARK PERIOD: Applies to **Individuals** providing **Tax Information Documents** for 2010 and the claimant selected **Base Year(s)**. Requirements detailed in Section I must be fulfilled (**Category I**, beginning at page 10).
- II. INDIVIDUAL CLAIMANTS WITH PAY PERIOD OR OTHER EARNINGS DOCUMENTATION FOR 2010 AND BENCHMARK PERIOD: Applies to **Individuals** without **Tax Information Documents** but with other contemporaneous documents presenting employment and compensation information for 2010 and the **Benchmark Period**. Requirements detailed in Section II must be fulfilled (**Category II**, beginning at page 19).
- III. INDIVIDUAL CLAIMANTS WITH EARNINGS DOCUMENTATION FOR 2010 BUT WITHOUT COMPARABLE BENCHMARK PERIOD EARNINGS: Applies to **Individuals** with **Tax Information Documents** or other contemporaneous documents presenting employment and compensation information for 2010 but without a comparable **Benchmark Period**. Requirements detailed in Section III must be fulfilled (**Category III**, beginning at page 28).
- IV. INDIVIDUAL CLAIMANTS WITHOUT EARNINGS DOCUMENTATION WHO SUBMIT INDIVIDUAL AND EMPLOYER SWORN WRITTEN STATEMENTS TO ESTABLISH EARNINGS: Applies to **Individuals** without any documentary proof but providing **Sworn Written Statements** (from both the claimant and the employer) presenting employment and compensation information for 2010. Requirements detailed in Section IV must be fulfilled (**Category IV**, beginning at page 44).

Definitions

The following defined terms used in this **Framework for Individual Economic Loss Claims** shall have the meanings set forth below and be presented in **bold-faced type** throughout this Framework.

- A. **Actual Earnings**: Claimant's income actually earned from the **Claiming Job(s)** during the **Compensation Period** excluding **Spill-Related Payments** and employment earnings from the VoO program (if any). For purposes of calculating **Claimant Lost Earnings**, there may be

⁴ For purposes of this **Framework for Individual Economic Loss Claims**, the presumption shall be that the location of economic loss for the **Claiming Job** is the location of the claimant's employer within the Class Definition geographic area, not the claimant's residence. Claimants may establish an alternative location of economic loss for the **Claiming Job** other than their employer's location by providing evidence that their primary employment activities and responsibilities occur in a location different from their employer's business address, and that the claimed DWH Spill-related economic loss occurred at such location. For example, the claimant works for a housekeeping company located in Zone C that services households in Zones A, B and C, including vacation condominiums located in Zone A, and the claimant establishes that she works primarily in Zone A.

adjustments to **Actual Earnings** pursuant to Step 5 of the Compensation Calculations set forth in Categories I, II and III.

- B. **Base Year(s)**: A claimant selected period used for historical comparison and defined as one of the following options, provided that once selected, the same **Base Year(s)** shall be used in this **Framework for Individual Economic Loss Claims** for all purposes for which a **Base Year(s)** is required:
1. 2009; or
 2. The average of 2008 and 2009; or
 3. The average of 2007, 2008 and 2009.
- C. **Benchmark Period**: A time period for which a claimant was engaged in a **Claiming Job** or a comparable job (where "comparable" shall mean a job with the same employer, or a job with a new employer where the claimant's earned income changed by less than 20% between January 1 – April 30 of the **Base Year(s)** and January 1 – April 30, 2010), and which a claimant chooses for the following:
1. To establish baseline earnings to be used in calculating the claimant's **Expected Earnings**.
 - i. For Categories I and II, the **Benchmark Period** is the time period of at least 90 consecutive days within the claimant-selected **Base Year(s)** that corresponds to the same calendar months and days selected by the claimant as the **Compensation Period**. In circumstances where the claimant chooses multiple **Base Years**, the **Benchmark Period** shall be calculated as the average of the time periods (of at least 90 consecutive days) from each **Base Year** that correspond to the same calendar months and days selected by the claimant as the **Compensation Period**.
 - ii. For a claimant in Category III, **2011 Benchmark Period** shall be defined as a 2011 time period of at least 90 consecutive days that corresponds to the same calendar months and days as the claimant's selected **Compensation Period**.
 - iii. If the pay periods fall on different dates in the **Benchmark Period** or the **2011 Benchmark Period**, earnings shall be allocated pro-rata to correspond to the dates of the **Compensation Period**.
 - iv. Examples of **Benchmark Period** and **2011 Benchmark Period** can be seen in Appendices A through F attached hereto.

AND

2. If applicable, to establish the baseline historical earnings to be used in calculating the **Claimant Specific Growth Factor**. For this purpose, the **Benchmark Period** is the consecutive pay periods which cover January through April of the claimant-selected **Base Year(s)**. In circumstances where the claimant chooses multiple **Base Years**, the **Benchmark Period** shall be calculated as the average of the corresponding periods from each **Base Year**. Examples can be seen in Appendices A through F attached hereto.

- D. **Claimant Lost Earnings**: The claimant's **Expected Earnings** from all **Claiming Jobs** minus the claimant's **Actual Earnings** from all **Claiming Jobs** during the **Compensation Period**, minus any **Offsetting Earnings**.
- E. **Claimants Without Comparable Benchmark Earnings**: **Individuals** without historical earnings comparable to the **Compensation Period** employment shall use **2011 Benchmark Period** earnings (if any) to establish **Expected Earnings** (as described in Category III). Those claimants are:
1. **New Entrant To Employment**: An **Individual** (i) who was not employed between January 1, 2007 and April 20, 2010, and (ii) who accepted an offer of first-time employment in a new job, full or part-time (including but not limited to seasonal employment), prior to April 20, 2010, to start working during the period April 21, 2010 to December 31, 2010, and (iii) whose offer was withdrawn or amended during 2010 after the DWH Spill.

For example, if as of April 20, 2010, an **Individual** who had never been employed had received and accepted an offer of employment to begin working between April 21 and December 31, 2010, the **Individual** shall be considered a **New Entrant to Employment**. Similarly, if an **Individual** had previously engaged in part-time work, but as of April 20, 2010 had accepted an offer for his or her first full-time position (or for his or her first seasonal employment position) to begin working between April 21 and December 31, 2010, the **Individual** shall also be considered a **New Entrant to Employment**. And, if an **Individual** had worked prior to 2007, but not between January 1, 2007 and April 20, 2010, and had accepted an offer of employment to begin working between April 21 and December 31, 2010, the **Individual** shall be considered a **New Entrant to Employment**.
 2. **Claimant Who Had Less Than Twelve Months Of Earnings History But Was Employed On April 20, 2010**: An **Individual** with 2010 earnings information who was employed on April 20, 2010 but who did not become employed until after April 20, 2009.
 3. **Career Changer**: An **Individual** who (i) changed employer(s) and line of work between the **Benchmark Period** and the **Compensation Period** and (ii) whose earnings during the period January 1 - April 30, 2010 changed by more than plus or minus 20% compared to their earnings during the period January 1 - April 30 of the **Base Year(s)**.
- F. **Claiming Job(s)**: The job held or secured by the claimant as of April 20, 2010 for which the claimant seeks compensation and for which causation requirements under this **Framework for Individual Economic Loss** are satisfied. Any job from which the claimant generated earnings during the **Benchmark Period** and/or the **Compensation Period** (including Schedule C or F activities) and for which the claimant does not seek compensation shall be a **Non-Claiming Job**.
- G. **Claims Administrator**: The Claims Administrator and related staff appointed pursuant to the Economic And Property Damages Settlement Agreement and any Claims Administration Vendor operating in the Class Action Settlement Office.

- H. **Compensation Period**: The **Compensation Period** is selected by the claimant. It must include 90 or more consecutive days between April 21, 2010 and December 31, 2010, except for claimants who are in the **Primary Seafood Industry**⁵ for which the time period is 90 or more consecutive days between April 21, 2010 and April 30, 2011. Claimant can select only one **Compensation Period**, and the **Compensation Period** must correspond with the pay periods used by the employer (*i.e.*, start and end with the standard daily, weekly, or monthly pay period used by the employer).⁶
- I. **Eligible Employer**: An employer that (a) filed a claim in the MDL 2179 settlement process and established causation according to rules described in **Causation Requirements For Business Economic Loss Claims** or (b) received a compensation offer from the GCCF.
- J. **Employment-Related Benefits Losses**: Losses defined in the **Addendum Regarding Compensation Related to a Claimant's Loss of Employment-Related Benefits Income as a Result of the DWH Spill**.
- K. **Expected Earnings**: Claimant's earnings in the **Compensation Period** in the **Claiming Job** that would have been expected in the absence of the DWH Spill.
- L. **Final Claimant Compensation**: The **Final Compensation Amount** shall be the amount owed to the claimant. For Categories I, II, and III, the **Final Compensation Amount** shall equal the sum of the **Claimant Lost Earnings**, any applicable RTP, any **Employment-Related Benefits Losses**, any **Reimbursable Training Costs**, and any **Reimbursable Search Costs**, less any **Spill-Related Payments**. For Category IV, the **Final Compensation Amount** shall be the sum of the **Claimant Lost Earnings** and any applicable RTP, less any **Spill-Related Payments**.
- M. **Framework for Individual Economic Loss Claims**: This **Framework for Individual Economic Loss Claims**.
- N. **Growth Factor**: For claimants in Categories I – III only, **Growth Factor** shall be defined as any of the growth-related factors described below that may be applied in the calculation of a claimant's **Expected Earnings**, where the claimant is eligible, including the **Claimant Specific Growth Factor** or the **General Growth Factor**, and, if applicable, the **Industry Growth Factor**. Only certain claimants who qualify for compensation pursuant to Categories I, II and III below are eligible to receive any applicable factors. **Growth Factors** are not applicable in Category IV.
1. **Claimant Specific Growth Factor**: **Claimant Specific Growth Factor** shall be defined as an individualized **Growth Factor** for each **Claiming Job** for which the claimant provides

⁵ As used herein, the definitions of **Primary Seafood Industry** and **Secondary Seafood Industry** are set forth in the **Seafood Distribution Chain Definitions**.

⁶ If the claimant has multiple **Claiming Jobs** which utilize different pay periods, the **Compensation Period** dates shall be selected to correspond to pay periods from the position producing greatest earnings. Other wages (utilizing different pay period schedules), including wages from jobs worked in the **Compensation Period** for which lost earnings are not sought (where relevant), shall be allocated pro-rata to the days corresponding to the **Compensation Period**. See examples at Appendix C.

Pay Period Earnings Documentation. The **Claimant Specific Growth Factor** shall be calculated as the ratio of the claimant's actual January-April 2010 base earnings (including commissions but excluding bonuses) in the **Claiming Job** divided by actual January-April base earnings in the **Base Year(s)** (including commissions but excluding bonuses), provided that if the calculated rate is greater than +10%, the **Claimant Specific Growth Rate** shall be +10%, and if the calculated rate is less than -1.5%, the **Claimant Specific Growth Rate** shall be -1.5%. If the **Claimant Specific Growth Factor** reflects a change of plus or minus 20% *and* the **Individual** was employed in a new line of work with a new employer, claimant shall be considered a **Career Changer** and be subject to the requirements of **Category III: INDIVIDUAL CLAIMANTS WITH EARNINGS DOCUMENTATION FOR 2010 BUT WITHOUT COMPARABLE BENCHMARK PERIOD EARNINGS**.

2. **General Growth Factor:** **General Growth Factor** shall be defined as a **Growth Factor** of 2.0% that shall be assumed and applied for a claimant in Category I or Category II who does not provide **Pay Period Earnings Documentation** or who is a **Seasonal Employee** (and therefore has no **Claimant Specific Growth Factor** because he or she has provided no basis for calculating it). For a claimant in Category III who has **2011 Benchmark Period** earnings, those earnings shall be decreased by the **General Growth Factor** to calculate **Expected Earnings**. For a **Career Changer** who does not have 2011 earnings information for the **2011 Benchmark Period**, the **General Growth Factor** may apply in establishing **Expected Earnings** pursuant to Category III.
 3. **Industry Growth Factor:** **Industry Growth Factor** shall be defined as a **Growth Factor** of 1.5% and may be applied to claimants in Categories I, II and III in certain circumstances where the **Claiming Job** is a non-salaried, hourly wage job in both (i) the **Compensation Period** and (ii) the **Benchmark Period** or 2011, as relevant.
- O. **Offsetting Earnings:** Earnings from any **Non-Claiming Job(s)** during the claimant's **Compensation Period** in excess of earnings from any **Non-Claiming Job(s)** during the claimant's **Benchmark Period**, if any, shall offset **Claimant Lost Earnings** unless:
1. If the claimant provides documentation (as described in O.3) establishing that he or she worked the same or more total hours at all **Claiming Job(s)** during the **Compensation Period** (as compared to the **Benchmark Period**), then (a) no **Offsetting Earnings** shall apply, and (b) to the extent the claimant worked more total hours in all **Claiming Jobs** in the **Compensation Period** (relative to the **Benchmark Period**), **Actual Earnings** shall be limited as set forth in Step 5 of the Compensation Calculations set forth in Categories I, II and III.
- OR
2. If the claimant (i) provides documentation (as described in O.3) establishing that he or she worked fewer total hours at all **Claiming Jobs** during the **Compensation Period** (as compared to the **Benchmark Period**), and (ii) provides evidence as to the number of hours worked in a **Non-Claiming Job(s)** during the **Compensation Period** and the **Benchmark Period**, then **Offsetting Earnings** shall be calculated follows:

- i. The average hourly rate for the **Non-Claiming Job(s)** during the **Compensation Period**, multiplied by the lesser of the following:
 - a. The total number of increased hours worked in the **Non-Claiming Job(s)** during the **Compensation Period** above the hours (if any) worked at that job or activity during the claimant's **Benchmark Period** (which may be zero); or
 - b. The sum of the total number of hours lost in the **Claiming Job(s)**.
3. Documentation sufficient to satisfy O.1 and O.2 by establishing the number of hours worked (and, if relevant, wage rate) in (a) the **Claiming Job(s)** and (b) the **Non-Claiming Job(s)** during both (c) the **Compensation Period** and (d) the **Benchmark Period** (as relevant), includes the following:
 - i. For any **Claiming Job** or **Non-Claiming Job** which is paid on an hourly basis, the claimant must provide documentation establishing the number of hours worked for each hourly position and for the relevant period(s). Documentation could include, for example, pay stubs.
 - ii. For non-hourly jobs, the claimant must provide an **Employer Sworn Written Statement** and any other documentation establishing the number of hours worked for each relevant position and period, including, but not limited to documentation reflecting overtime worked.
 - iii. For any Schedule C or F activity, the claimant must provide a **Claimant Sworn Written Statement** and all available supporting documentation disclosing the number of hours worked in connection with the identified activity for each of the relevant periods.
- P. **One Time, Non-Recurring Event Compensation:** If a claimant can establish lost earnings income or profit from a **Claiming Job** due to the cancellation of a contract for a **One Time, Non-Recurring Event** as set forth in the **One Time Loss Addendum**, the claimant may receive additional compensation in accord with **One Time Loss Addendum**.
- Q. **Pay Period Earnings Documentation:** Documentation sufficient to establish a claimant's earnings from employment and hours worked during the applicable period(s), including (i) the **Benchmark Period** (relevant for Categories I and II), (ii) January through April of 2010 and the **Base Year(s)**, (iii) the **Compensation Period** (relevant for Categories I through III), and (iv) the **2011 Benchmark Period** (relevant for Category III). Documentation may include:
 - Paycheck stubs; and/or
 - Other employer records documenting actual amounts paid, if applicable; and/or
 - Bank records showing income deposits and supporting documentation indicating the source of those deposits; and/or

- A bank statement or other contemporaneous documentation verifying the absence of income for all or part of the **Compensation Period**; and/or
 - Receipts or records from check cashing and payday loan services; and/or
 - Contracts for employment accompanied by documentation establishing that wages or other amounts to be paid pursuant to the contract, if applicable, were in fact paid; and/or
 - Pay period earnings detail submitted under oath and included in court filings (for example, documentation provided in connection with divorce, child support, or wage garnishment proceedings).
- R. **Reimbursable Search Costs**: Documented travel and job search costs actually incurred after April 20, 2010 in searching for alternative employment due to job loss or work reduction after the DWH Spill.
- S. **Reimbursable Search Cost Documentation**: Documents reflecting all amounts incurred for **Reimbursable Search Costs** sought by the claimant.
- T. **Reimbursable Training Costs**: Training, licensing and educational tuition, fees, and similar expenses for courses or programs related to improving job skills or securing alternate employment (*i.e.*, education not in pursuit of a two- or four-year degree) in which claimant enrolled and participated commencing on or after April 21, 2010 through December 31, 2010 due to job loss or work reduction after the DWH Spill.
- U. **Reimbursable Training Cost Documentation**: Documents reflecting all amounts paid for **Reimbursable Training Costs** sought by the claimant, and all certificates, course credits, diplomas, or licenses obtained by the claimant based upon the claimant's completion of such training.
- V. **Risk Transfer Premium ("RTP")**: A factor by which **Claimant Lost Income** may be multiplied as defined and agreed to in the **Economic And Property Damages Settlement Agreement**.
- W. **Seasonal Employee**: An **Individual** with earnings during 6 or fewer consecutive months during the **Base Year(s)** but who was not employed as of April 20, 2010, and who as of that date had accepted an offer of employment for a later period in 2010 which subsequently was withdrawn or amended during 2010 after the DWH Spill.
- X. **Spill-Related Payments**: Compensation paid to a claimant by BP or GCCF related to the DWH Spill for loss of earnings for the **Claiming Job**, including (but not limited to) payments made pursuant to the BP/GCCF Oil Pollution Act of 1990 ("OPA") claims facilities.
- Y. **Sworn Written Statement**: A written statement submitted under penalties of perjury, which may be submitted electronically, along with any attachments, but which must be manually signed by the person making the statement and reflect such manual signature. In addition,

the statement may have a second, electronic signature using an approved technology such as (but not limited to) Adobe Echosign.⁷ A **Sworn Written Statement** submitted by a claimant is a **Claimant Sworn Written Statement** and a **Sworn Written Statement** submitted by a claimant's employer is an **Employer Sworn Written Statement**.

Z. **Tax Information Documents**: Tax Returns and Forms W-2 and/or 1099.

AA. **Tax Returns**: Federal or state income tax returns, including any relevant supporting schedules.

Sworn Claim Form Requirement

Each claimant must complete and submit a Claim Form which the claimant shall verify under penalties of perjury. The Claim Form shall direct the claimant to provide information, including the claimant's chosen **Base Year(s)** and **Compensation Period**. The claimant shall attach required documents supporting the claim. All statements made in, and documents submitted with, the Claim Form may be verified as judged necessary by the **Claims Administrator**. The claimant shall provide forms in which the claimant shall authorize the **Claims Administrator** to: (1) verify employment and obtain copies of wage records, (2) obtain **Tax Information Documents** from the Internal Revenue Service and/or Social Security Administration, and (3) confirm any bank account information used in support of a claim, but the authorization for bank records shall be limited to the **Benchmark Period** (or the **2011 Benchmark Period**, where relevant) and **Compensation Period**. The Claim Form may be submitted in electronic fashion, including scanning of documents or copies of verification from public databases providing the same information as would be provided by the original document. The Claim Form and any **Sworn Written Statements** must be manually signed and reflect such manual signature. In addition, the Claim Form and any **Sworn Written Statement** may have a second, electronic signature using an approved technology such as (but not limited to) Adobe Echosign.⁸

⁷ The parties agree that the signed statement must be as fully enforceable against the maker as a hand-signed statement. If and to the extent it is determined that an e-signed statement will be so enforceable, then an e-signed statement alone will suffice.

⁸ The parties agree that the signed statement must be as fully enforceable against the maker as a hand-signed statement. If and to the extent it is determined that an e-signed statement will be so enforceable, then an e-signed statement alone will suffice.

I. CATEGORY I: INDIVIDUAL CLAIMANTS WITH CONTEMPORANEOUS TAX INFORMATION DOCUMENTS FOR 2010 AND BENCHMARK PERIOD

If available, the **Individual** claimant must provide claimant's federal or state **Tax Returns** or Forms W-2 and/or 1099 for the **Compensation Period** and for the **Base Year(s)**.⁹ In such cases, the **Individual** claimant's compensation shall be calculated according to this Category I. If **Tax Returns** or Forms W-2 and/or 1099 are not available, the claimant must provide a written statement under oath attesting that no **Tax Returns** are available and attesting that the claimant made diligent efforts to obtain Forms W-2 from his or her employer. An **Individual** claimant who is a **Career Changer** should proceed to Category III. A claimant who lacks **Tax Information Documents** and/or data for a **Benchmark Period** cannot proceed under this Category I and should proceed to Category II, III or IV, as relevant.

A. Documentation Requirements

1. **Documentation Establishing Employment Earnings:** For each year included in the **Base Year(s)**, and for 2010, **Individual** claimants must provide at least one of the following **Tax Information Documents**:
 - Federal tax Form 1040 pages 1 and 2, all pages of Schedules C, E, and F, and any supporting statements attached to the Form 1040 filing (including Form W-2s for joint returns); or
 - State tax return, including any supporting schedules or statements; or
 - Forms W-2 documenting earnings; and/or
 - Forms 1099 documenting earnings.
2. **Documentation Establishing Pay Period Earnings:** To the extent available, a claimant must provide **Pay Period Earnings Documentation** for the **Benchmark Period** and for 2010. A claimant also must provide documentation to establish any bonuses and/or commissions received during the **Benchmark Period** and the **Compensation Period**, as well as bonuses and/or commissions received during January or February of the **Base Year(s)**, 2010 and 2011 for all jobs worked.

To the extent **Pay Period Earnings Documentation** is unavailable, the claimant shall so indicate in the sworn Claim Form, and earnings shall be treated as earned evenly throughout each year.
3. **Documentation Of Earnings From Other Sources During the Compensation Period:** Claimants must also submit documents sufficient to establish the source(s) and amounts of earnings, if any, from other post-DWH Spill sources of income including: (1) **Spill-Related**

⁹ If an **Individual** claimant has not maintained copies of his or her federal income tax returns, he or she shall request a copy or transcript directly from the IRS. If a claimant has not maintained copies of his or her Forms W-2, he or she shall request copies directly from the IRS or each employer he or she worked for during the **Compensation Period** and the **Benchmark Period**. A federal **Tax Information Document** shall be considered available if it exists and is in the claimant's possession or has not been requested from the IRS and/or employer.

Payments, and (2) compensation received from and hours worked in each employment position other than the **Claiming Job(s)**. The types of documents sufficient to satisfy this requirement are as follows:

- Forms W-2, paycheck stubs or other employer-provided payroll information; and/or
- Bank records showing income deposits and supporting documentation indicating the source of those deposits; and/or
- Documents from BP/GCCF showing payment and BP/GCCF Claim Number; and/or
- Forms 1099; and/or
- Receipts from check cashing services; and/or
- Other documents provided by an employer setting forth for such other employment position(s) (i) required hours of work, (ii) actual hours worked by claimant, and (iii) compensation rate.

4. **Documentation Establishing Other Costs/Losses:** The claimant may also submit **Reimbursable Training Cost Documentation, Reimbursable Search Cost Documentation,** and/or documentation regarding **Employment-Related Benefits Losses.**

5. **Additional Claimant Documentation:**

a. **Claimant Employability Documentation:** Consists of both:

i. A copy of a Social Security card, government-issued identification (for example, a valid driver's license), temporary worker visa, or green card that was valid as of April 20, 2010 for the claimant, or a print out from a public database providing the same information as would be provided by the original document;

AND

ii. Evidence the claimant was at least 16 years of age as of April 20, 2010. Acceptable evidence includes a copy of a valid driver's license, a valid passport, a certified copy of the claimant's birth certificate, or a print out from a public database providing the same information as would be provided by the original document.

b. **Licensing Documentation:** If claimant's employment requires a government-issued license/permit, a copy of valid 2010 and 2011 licenses, if appropriate, or a print out from a public database providing the same information as would be provided by the original document. Licenses could include, but are not limited to:

- i. Taxi/livery licenses.
- ii. Real Estate Sales licenses.
- iii. Other licenses and permits related to income sources.

- c. If the claimant's employment in the **Claiming Job** was terminated between April 20, 2010 and December 31, 2010, the claimant shall have the burden of proof to establish the termination was not for cause. The termination shall be deemed not for cause if:
 - i. The claimant establishes that he or she filed for and received unemployment, including, for example, as evidenced by Form 1099 G.
OR
 - ii. Claimant provides a letter from the former employer or an **Employer Sworn Written Statement** confirming termination was not for cause. Any such letter must include contact information for an authorized representative of the employer.
OR
 - iii. Other documentation acceptable to the **Claims Administrator** that establishes that the claimant was not terminated for cause.

6. **Additional Documentation to Establish Causation Presumptions:**

If the claimant seeks to qualify for a causation presumption as set forth in Sections I.B.1 and I.B.2.a, the claimant must provide documentation for 2010 to establish that the claimant or the claimant's employer satisfies (or satisfied) the geographic requirements and/or the definition of an entity or Natural Person included in the **Primary Seafood Industry, Secondary Seafood Industry, Tourism**,¹⁰ or **Charter Fishing**¹¹ as applicable. To satisfy this requirement, the claimant must demonstrate the employer's location and the following:

- a. That the claimant works or worked for an employer that filed a claim in the MDL No. 2179 settlement process and was determined by the **Claims Administrator** to satisfy one of the above-listed definitions;
OR
- b. That the claimant's **Tax Information Documents, Pay Period Earnings Documentation**, or other documentation establishes that the claimant's employer satisfies one of the above-listed definitions.

B. **Causation Requirements**

In order to establish causation under this Category I, a claimant must satisfy the following:

- 1. The claimant must have been employed in the **Claiming Job** on April 20, 2010, unless the claimant is a **Seasonal Employee** who can provide evidence of historical seasonal employment beginning after April 20 in the **Base Year(s)**.

¹⁰ The definition of **Tourism** is set forth in the **Tourism Definition**, Bates 026632 - 026646.

¹¹ The definition of **Charter Fishing** is set forth in Definitions Section 38 of the *Deepwater Horizon* Economic and Property Damages Settlement Agreement.

2. The claimant must satisfy one of the following:

- a. **Individual Claimants With Presumed Causation:** The DWH Spill shall be presumed to be the cause of lost earnings for a **Claiming Job** during the **Compensation Period** for the following categories of claimants who submit the required documentation, provided that the claimant can demonstrate that any loss of income or employment related to the **Claiming Job** was not a function of the claimant's termination for cause pursuant to the Documentation Requirements set forth in Section I.A.5.c:
 - i. If a claimant is an **Individual** seeking compensation for an economic loss relating to employment within Zone A,¹² the claimant is not required to provide any evidence of causation relating to that **Claiming Job**.
 - ii. If a claimant is an individual seeking compensation for an economic loss for a job in which he or she was employed by, or exclusively serviced, an entity or Natural Person that satisfies the **Primary Seafood Industry** definition as set forth in the **Seafood Distribution Chain Definitions**, the claimant is not required to provide any evidence of causation relating to that **Claiming Job**.
 - iii. If a claimant is an individual seeking compensation for an economic loss for a job in which he or she was employed by an entity or Natural Person that satisfies the **Secondary Seafood Industry** definition as set forth in the **Seafood Distribution Chain Definitions**, and the entity or Natural Person was located in Zones B or C, the claimant is not required to provide any evidence of causation relating to that **Claiming Job**.
 - iv. If the claimant is an **Individual** seeking compensation for an economic loss for a job in which he or she was employed by a business located in Zone B that meets the definition of **Tourism**, the claimant is not required to provide any evidence of causation relating to that **Claiming Job**.
 - v. If the claimant is an **Individual** seeking compensation for an economic loss for a job in which he or she was employed by an entity or Natural Person that satisfies the definition of **Charter Fishing**, and the **Charter Fishing** business was located in Zones A, B or C, the claimant is not required to provide any evidence of causation relating to that **Claiming Job**.

¹² For purposes of this **Framework for Individual Economic Loss Claims**, the presumption shall be that the location of economic loss for the **Claiming Job** is the location of the claimant's employer within the Class Definition geographic area, not the claimant's residence. Claimants may establish an alternative location of economic loss for the **Claiming Job** other than their employer's location by providing evidence that their primary employment activities and responsibilities occur in a location different from their employer's business address, and that the claimed DWH Spill-related economic loss occurred at such location. For example, the claimant works for a housekeeping company located in Zone C that services households in Zones A, B and C, including vacation condominiums located in Zone A, and the claimant establishes that she works primarily in Zone A.

OR

- b. **Individual Claimants Without Presumed Causation:** If a claimant is not entitled to a causation presumption as set forth in Section I.B.2.a, the claimant can establish causation for a **Claiming Job** during the **Compensation Period** only by satisfying the requirements of one of the following sub-sections:
- i. Causation is established if the **Claiming Job** is with an **Eligible Employer**. The **Claims Administrator** shall verify that the employer is an **Eligible Employer**.
 - ii. Causation for a **Claiming Job** is established if the claimant provides an **Employer Sworn Written Statement** attributing the claimant's loss of income during the **Compensation Period** to the DWH Spill. The **Employer Sworn Written Statement** must articulate in detail how the claimant's losses at the **Claiming Job** are causally related to the DWH Spill. Such **Employer Sworn Written Statement** must also include contact information for an authorized representative of the employer.
 - iii. The **Claims Administrator** shall evaluate the credibility and reliability of the information provided by the employer and the claimant, including any **Sworn Written Statements**, and have the right to request supplemental documentation and/or to interview the employer in accordance with the **Addendum Regarding Interviews of Claimant Alleging Economic Loss**.

C. **Compensation Calculation**

The **Claims Administrator** shall use **Tax Information Documents** and other supporting documentation provided by the claimant to calculate the **Claimant Lost Earnings**. As set forth in the steps below, **Claimant Lost Earnings** includes: (1) any reduction in earnings between the **Compensation Period** and the **Benchmark Period** for each **Claiming Job**, plus (2) any lost potential earnings growth expected for each **Claiming Job** in the absence of the DWH Spill, minus (3) any **Offsetting Earnings**. Lost potential earnings growth expected for each **Claiming Job** shall be determined through application of (a) a **Claimant Specific Growth Factor**, or (b) a **General Growth Factor**; in addition, for claims based on non-salaried, hourly-wage jobs, an **Industry Growth Factor** is applied.

The claimant shall receive a lump-sum final payment that includes compensation for **Claimant Lost Earnings**, plus any applicable **RTP** agreed upon by the parties, plus compensation for properly documented **Employment-Related Benefits Losses**, **Reimbursable Training Costs** and **Reimbursable Search Costs**, or **One Time, Non-Recurring Event Commission Compensation**, if any, less any **Spill-Related Payments**.

Example compensation calculations are set forth in Appendices A through F attached hereto.

Step 1: Claimant Selects Compensation Period and Benchmark Period

1. Claimant selects a **Compensation Period**. For a claimant who (i) was terminated for cause in 2010 from the **Claiming Job(s)**, or (ii) otherwise ended employment at the

Claiming Job(s) in 2010 for reasons unrelated to the DWH Spill, the **Compensation Period** may not extend beyond the termination date.

2. Claimant selects a **Base Year(s)**.

Step 2: Determine Benchmark Period Earnings for the Months Corresponding to the Compensation Period

Earnings during the **Benchmark Period** months (as evidenced by **Tax Information Documents**) shall include earned income from each **Claiming Job** (or comparable job) and shall be assumed to have been earned evenly throughout the year unless the claimant provides **Pay Period Earnings Documentation** sufficient to establish actual earnings distribution throughout the year. All bonuses and/or commissions shall be allocated pro rata across the period for which they were awarded, and annual performance bonuses paid in January and February shall be assumed to relate to the prior calendar year, unless the documents establish that the bonus related to a specific period of time.

Step 3: Determine Earnings Growth Factor(s)

1. **Claimant Specific Growth Factor**: For claimants who provide **Pay Period Earnings Documentation** sufficient to calculate a **Claimant Specific Growth Factor**, the following Growth Factors may apply:
 - a. **Claimant Specific Growth Factor** is defined, and the calculation is explained, in Definitions Section N.1.
 - b. **Industry Growth Factor** is defined in Definitions Section N.3.
2. **Claimants for Whom Claimant Specific Growth Factor Is Not Applicable**: For claimants unable to provide **Pay Period Earnings Documentation** sufficient to calculate a **Claimant Specific Growth Factor** and for **Seasonal Employees**, no **Claimant Specific Growth Factor** shall apply. Instead, the following Growth Factors may apply:
 - a. **General Growth Factor** is defined in Definitions Section N.2 and is 2.0%.
 - b. **Industry Growth Factor** is defined in Definitions Section N.3: For claims based on non-salaried, hourly-wage jobs, an **Industry Growth Factor** of 1.5% shall be applied.

Step 4: Calculate Expected Earnings

Expected Earnings equal the **Benchmark Period** earnings calculated in Step 2 increased by the applicable **Growth Factors** (from Step 3).

$$\text{Expected Earnings} = \text{Benchmark Period Earnings from Step 2} \times (1 + \text{applicable Step 3 Growth Factor(s)})$$

Step 5: Determine Actual Earnings and Any Offsetting Earnings In The Compensation Period

Actual Earnings for all **Claiming Jobs** and any applicable **Offsetting Earnings** during the **Compensation Period** shall be determined based on **Tax Information Documents** and **Pay**

Period Earnings Documentation provided by the claimant and other documentation relevant to determining **Offsetting Earnings**.

To the extent the claimant does not have **Pay Period Earnings Documentation** for a **Claiming Job**, **Actual Earnings** during the **Compensation Period** shall be estimated for that **Claiming Job** by dividing the claimant's total 2010 **Claiming Job** earnings by 12 and multiplying that amount by the number of months in the **Compensation Period**. All bonuses and/or commissions shall be allocated pro rata across the periods for which they were awarded, and annual performance bonuses paid in January and February shall be assumed to relate to the prior calendar year, unless the documents establish that the bonus related to a specific period of time.

Offsetting Earnings and **Actual Earnings** from all **Claiming Jobs** shall be calculated giving consideration to all **Claiming Jobs**, provided that:

1. If the claimant has only one **Claiming Job**, then:
 - i. If **Pay Period Earnings Documentation** (or other documentation relevant to calculating **Offsetting Earnings**) reflects the same or an increased number of hours worked at the **Claiming Job** in the **Compensation Period** relative to the **Claiming Job** (or comparable job) in the **Benchmark Period**, **Actual Earnings** shall be limited to earnings from the **Claiming Job** (or comparable job) over the same total number of hours worked in the **Benchmark Period**, and no **Offsetting Earnings** shall apply.
 - OR
 - ii. If **Pay Period Earnings Documentation** (or other documentation) (i) reflects a decrease in hours worked at the **Claiming Job** during the **Compensation Period**, and (ii) the claimant's **Pay Period Earnings Documentation** reflects additional hours worked at a **Non-Claiming Job** (whether such **Non-Claiming Job** was held in the **Benchmark Period** or is a new position), **Offsetting Earnings** shall be calculated and factored into the determination of **Claimant Lost Earnings**.
2. If the claimant has more than one **Claiming Job**, then:
 - i. If **Pay Period Earnings Documentation** (or other documentation relevant to calculating **Offsetting Earnings**) for all **Claiming Jobs** reflects the same or an increased number of total hours worked across all **Claiming Jobs** during the **Compensation Period** (relative to all **Claiming Jobs** (or comparable jobs) in the **Benchmark Period**), aggregate **Actual Earnings** in the **Compensation Period** shall be limited to total earnings from all **Claiming Jobs** (or comparable jobs) over the same number of total hours worked in the **Benchmark Period**, provided that earnings from hours lost in one **Claiming Job** shall be replaced by earnings from the same number of hours worked in a different **Claiming Job** during the **Compensation Period**. No **Offsetting Earnings** shall apply.

OR

- ii. If **Pay Period Earnings Documentation** (or other documentation relevant to calculating **Offsetting Earnings**) for all **Claiming Jobs** reflects (i) fewer total hours worked across all **Claiming Jobs** during the **Compensation Period** (relative to all **Claiming Jobs** (or comparable jobs) in the **Benchmark Period**), but (ii) more hours worked in one (or more) **Claiming Job(s)** in the **Compensation Period** (relative to the same **Claiming Job(s)** in the **Benchmark Period**), aggregate **Actual Earnings** in the **Compensation Period** shall include total earnings from all **Claiming Jobs** (or comparable jobs) in the **Compensation Period**. If the claimant's **Pay Period Earnings Documentation** also reflects additional hours worked at a different (**Non-Claiming Job**) position (whether such position was held in the **Benchmark Period** or is a new position), **Offsetting Earnings** shall be calculated and factored into the determination of **Claimant Lost Earnings** for the number of hours representing the difference between (a) total hours worked in all **Claiming Jobs** in the **Compensation Period**, and (b) total hours worked in all **Claiming Jobs** in the **Benchmark Period**.

OR

- iii. If **Pay Period Earnings Documentation** (or other documentation) for all **Claiming Jobs** (i) reflects a decrease in hours worked at each **Claiming Job** during the **Compensation Period**, and (ii) the claimant's **Pay Period Earnings Documentation** reflects additional hours worked at a different position (whether such position was held in the **Benchmark Period** or is a new position), **Offsetting Earnings** shall be calculated and factored into the determination of **Claimant Lost Earnings** for the total lost hours.

OR

- iv. If the claimant does not have **Pay Period Earnings Documentation** (or other documentation establishing hours worked) for all **Claiming Jobs**, then **Actual Earnings** shall include all earnings from all **Claiming Jobs** and **Offsetting Earnings** shall apply.

Step 6: Determine Claimant Lost Earnings

Claimant Lost Earnings shall be calculated as (a) the difference between (i) the claimant's **Expected Earnings** during the **Compensation Period** (Step 4) from all **Claiming Jobs** and (ii) the claimant's **Actual Earnings** during the **Compensation Period**, as adjusted, if relevant, (Step 5) from all **Claiming Jobs**, reduced by (b) any applicable **Offsetting Earnings**.

Step 7: Calculate Final Claimant Compensation

Final Claimant Compensation shall be **Claimant Lost Earnings** (Step 6) adjusted as follows:

- 1. Add any applicable **RTP** agreed to by the parties. For an employee terminated for cause from a **Claiming Job**, no **RTP** shall apply.

- For claimants whose **Claimant Lost Earnings** result from more than one **Claiming Job**, the claimant's applicable **RTP** shall be calculated based on (i) the percentage of total **Claimant Lost Earnings** related to each **Claiming Job**, multiplied by (ii) the **RTP** applicable to each **Claiming Job**, which is determined by the job type (**Tourism/Other Industries**) and zone (Zone A, B, C or D). For example, a claimant with 50% of their lost earnings from a job Zone A hotel, and 50% of their lost earnings from a job in a Zone C restaurant shall receive an **RTP** that is calculated as follows:

$$\text{Applicable RTP} = .5 * \text{RTP}_{\text{Zone A Tourism (hotel)}} + .5 * \text{RTP}_{\text{Zone C Tourism (restaurant)}}$$

2. Add any **Reimbursable Training Costs**. **Reimbursable Training Costs** shall be fully reimbursed if the training led directly to earned income in 2010. If no corresponding income was earned in 2010, then **Reimbursable Training Costs** shall be reimbursed up to \$2,000.

For example: A claimant who paid \$3,000 after April 20, 2010 to secure a commercial trucking license and who earned income as a commercial trucker in 2010 shall receive \$3,000 in reimbursement. If the claimant earned no income from commercial trucking during 2010, the claimant would receive a \$2,000 reimbursement.

3. Add any **Reimbursable Search Costs**.
4. Add any applicable **Employment-Related Benefits Losses**.
5. Add any **One Time, Non-Recurring Event Compensation**.
6. Subtract any **Spill-Related Payments**.
7. The formula for **Final Claimant Compensation** is:

$$\begin{aligned}
 & \text{Claimant Lost Earnings} \\
 + & \text{ (Claimant Lost Earnings x any applicable RTP)} \\
 + & \text{ Employment-Related Benefits Losses (if applicable)} \\
 + & \text{ Reimbursable Training Costs (full if led to earned income in 2010 from} \\
 & \text{ area of training, otherwise \$2,000) (if applicable)} \\
 + & \text{ Reimbursable Search Costs (if applicable)} \\
 + & \text{ One Time, Non-Recurring Event Compensation (if applicable)} \\
 - & \text{ Spill-Related Payments (if applicable)} \\
 - & \text{ VoO Settlement Offset and/or VoO Earned Income Offset (if any)}
 \end{aligned}$$

II. CATEGORY II: INDIVIDUAL CLAIMANTS WITH PAY PERIOD OR OTHER EARNINGS DOCUMENTATION FOR 2010 AND BENCHMARK PERIOD¹³

Individual claimants who do not have **Tax Information Documents** available for either 2010 or the **Base Year(s)** may instead provide **Pay Period Earnings Documentation** sufficient to establish earnings during the **Compensation Period** and the **Benchmark Period**. Such **Individual** claimants must provide a written statement under oath attesting that no **Tax Returns** are available and attesting that the claimant made diligent efforts to obtain Forms W-2 from his or her employer and stating that they are not available. An **Individual** claimant who is a **Career Changer** should proceed to Category III. An **Individual** claimant who lacks **Tax Information Documents** and **Pay Period Earnings Documentation** for the **Benchmark Period** and/or 2010 must so state in the sworn Claim Form. In such circumstances, claimant cannot proceed under this Category II and should proceed to Category III or IV to the extent the claimant qualifies under any such Category.

A. Documentation Requirements

1. **Documentation Establishing Employment Earnings:** To the extent available, the claimant must provide **Pay Period Earnings Documentation** for the **Benchmark Period** and for 2010. Where incomplete **Pay Period Earnings Documentation** is provided, **Expected Earnings** and **Actual Earnings** shall be calculated based only on the actual documentation provided. A claimant also must provide documentation to establish any bonuses and/or commissions received during the **Benchmark Period** and the **Compensation Period**, as well as bonuses and/or commissions received during January or February of the **Base Year(s)**, 2010 and 2011 for all jobs worked.
2. **Documentation Of Earnings From Other Sources During the Compensation Period:** Claimants must also submit documents sufficient to establish the source(s) and amounts of earnings, if any, from other post-DWH Spill sources of income including: (1) **Spill-Related Payments**, and (2) compensation received from and hours worked in each employment position other than the **Claiming Job(s)**. The types of documents sufficient to satisfy this requirement are as follows:
 - Forms W-2, paycheck stubs or other employer-provided payroll information; and/or
 - Bank records showing income deposits and supporting documentation indicating the source of those deposits; and/or
 - Document from BP/GCCF showing payment and BP/GCCF Claim Number; and/or
 - Forms 1099; and/or
 - Receipts from check cashing services; and/or
 - Other documents provided by an employer setting forth for such other employment position(s) (i) required hours of work, (ii) actual hours worked by claimant, and

¹³ A claimant who has no job earnings from any **Benchmark Period** may not proceed under Category II but should proceed to Category III as a potential **New Entrant To Employment** or **Claimant Who Had Less Than Twelve Months Of Earnings History But Was Employed On April 20, 2010**, or to Category IV, as relevant.

(iii) compensation rate.

3. **Documentation Establishing Other Costs/Losses:** The claimant may also submit **Reimbursable Training Cost Documentation, Reimbursable Search Cost Documentation,** and/or documentation regarding **Employment-Related Benefits Losses.**

4. **Additional Claimant Documentation**

- a. **Claimant Employability Documentation:** Consists of both:

- i. A copy of a Social Security card, government-issued identification (for example, a valid driver's license), temporary worker visa, or green card that was valid as of April 20, 2010 for the claimant, or a print out from a public database providing the same information as would be provided by the original document;

AND

- ii. Evidence the claimant was at least 16 years of age as of April 20, 2010. Acceptable evidence includes a copy of a valid driver's license, a valid passport, a certified copy of the claimant's birth certificate, or a print out from a public database providing the same information as would be provided by the original document.

- b. **Licensing Documentation:** If claimant's employment requires a government-issued license/permit, a copy of valid 2010 and 2011 licenses, if appropriate, or a print out from a public database providing the same information as would be provided by the original document. Licenses could include, but are not limited to:

- i. Taxi/livery licenses.
ii. Real Estate Sales licenses.
iii. Other licenses and permits related to income sources.

- c. If the claimant's employment in the **Claiming Job** was terminated between April 20, 2010 and December 31, 2010, the claimant shall have the burden of proof to establish the termination was not for cause. The termination shall be deemed not for cause if:

- i. The claimant establishes that he or she filed for and received unemployment, including, for example, as evidenced by Form 1099 G.

OR

- ii. Claimant provides a letter from the former employer or an **Employer Sworn Written Statement** confirming termination was not for cause. Any such letter must include contact information for an authorized representative of the employer.

OR

- iii. Other documentation acceptable to the **Claims Administrator** that establishes that the claimant was not terminated for cause.

5. **Additional Documentation to Establish Causation Presumptions:**

If the claimant seeks to qualify for a causation presumption as set forth in Sections II.B.1 and II.B.2.a, the claimant must provide documentation for 2010 to establish that the claimant or the claimant's employer satisfies (or satisfied) the geographic requirements and/or the definition of an entity or Natural Person included in the **Primary Seafood Industry**, **Secondary Seafood Industry**, **Tourism**,¹⁴ or **Charter Fishing**¹⁵ as applicable. To satisfy this requirement, the claimant must demonstrate the employer's location and the following:

- a. That the claimant works or worked for an employer that filed a claim in the MDL No. 2179 settlement process and was determined by the **Claims Administrator** to satisfy one of the above-listed definitions;
- OR
- b. That the claimant's **Tax Information Documents**, **Pay Period Earnings Documentation**, or other documentation establishes that the claimant's employer satisfies one of the above-listed definitions.

B. **Causation Requirements**

In order to establish causation under this Category II, a claimant must satisfy the following:

- 1. The claimant must have been employed in the **Claiming Job** on April 20, 2010, unless the claimant is a **Seasonal Employee** who can provide evidence of historical seasonal employment beginning after April 20 in the **Base Year(s)**.
- 2. The claimant must satisfy one of the following:
 - a. **Individual Claimants With Presumed Causation:** The DWH Spill shall be presumed to be the cause of lost earnings for a **Claiming Job** during the **Compensation Period** for the following categories of claimants who submit the required documentation, provided that the claimant can demonstrate that any loss of income or employment related to the **Claiming Job** was not a function of the claimant's termination for cause pursuant to the Documentation Requirements set forth in Section II.A.4.c:
 - i. If a claimant is an **Individual** seeking compensation for an economic loss relating to employment within Zone A,¹⁶ the claimant is not required to provide any evidence of causation relating to that **Claiming Job**.

¹⁴ The definition of **Tourism** is set forth in the **Tourism Definition**, Bates 026632 - 026646.

¹⁵ The definition of **Charter Fishing** is set forth in Definitions Section 38 of the *Deepwater Horizon* Economic and Property Damages Settlement Agreement.

¹⁶ For purposes of this **Framework for Individual Economic Loss Claims**, the presumption shall be that the location of economic loss for the **Claiming Job** is the location of the claimant's employer within the Class Definition geographic area, not the claimant's residence. Claimants may establish an alternative location of economic loss for the **Claiming Job** other than their employer's location by providing evidence that their primary employment activities and responsibilities occur in a location different from their employer's business address, and that the claimed DWH Spill-related economic loss occurred at such location. For example, the claimant works for a

- ii. If a claimant is an individual seeking compensation for an economic loss for a job in which he or she was employed by, or exclusively serviced, an entity or Natural Person that satisfies the **Primary Seafood Industry** definition as set forth in the **Seafood Distribution Chain Definitions**, the claimant is not required to provide any evidence of causation relating to that **Claiming Job**.
- iii. If a claimant is an individual seeking compensation for an economic loss for a job in which he or she was employed by an entity or Natural Person that satisfies the **Secondary Seafood Industry** definition as set forth in the **Seafood Distribution Chain Definitions**, and the entity or Natural Person was located in Zones B or C, the claimant is not required to provide any evidence of causation relating to that **Claiming Job**.
- iv. If the claimant is an **Individual** seeking compensation for an economic loss for a job in which he or she was employed by a business located in Zone B that meets the definition of **Tourism**, the claimant is not required to provide any evidence of causation relating to that **Claiming Job**.
- v. If the claimant is an **Individual** seeking compensation for an economic loss for a job in which he or she was employed by an entity or Natural Person that satisfies the definition of **Charter Fishing**, and the **Charter Fishing** business was located in Zones A, B or C, the claimant is not required to provide any evidence of causation relating to that **Claiming Job**.

OR

- b. **Individual Claimants Without Presumed Causation:** If a claimant is not entitled to a causation presumption as set forth in Section II.B.2.a, the claimant can establish causation for a **Claiming Job** during the **Compensation Period** only by satisfying the requirements of one of the following sub-sections:
 - i. Causation is established if the **Claiming Job** is with an **Eligible Employer**. The **Claims Administrator** shall verify that the employer is an **Eligible Employer**.
 - ii. Causation for a **Claiming Job** is established if the claimant provides an **Employer Sworn Written Statement** attributing the claimant's loss of income during the **Compensation Period** to the DWH Spill. The **Employer Sworn Written Statement** must articulate in detail how the claimant's losses at the **Claiming Job** are causally related to the DWH Spill. Such **Employer Sworn Written Statement** must also include contact information for an authorized representative of the employer.
 - iii. The **Claims Administrator** shall evaluate the credibility and reliability of the information provided by the employer and the claimant, including any **Sworn Written Statements**, and have the right to request supplemental

housekeeping company located in Zone C that services households in Zones A, B and C, including vacation condominiums located in Zone A, and the claimant establishes that she works primarily in Zone A.

documentation and/or to interview the employer in accordance with the **Addendum Regarding Interviews of Claimant Alleging Economic Loss.**

C. **Compensation Calculation**

The **Claims Administrator** shall use **Pay Period Earnings Documentation** or annual employer-provided payroll information submitted by the claimant pursuant to Section II.A, and other supporting documentation provided by the claimant, to calculate the **Claimant Lost Earnings**. As set forth in the steps below, **Claimant Lost Earnings** includes: (1) any reduction in earnings between the **Compensation Period** and the **Benchmark Period** for each **Claiming Job**, plus (2) any lost potential earnings growth expected for each **Claiming Job** in the absence of the DWH Spill, minus (3) any **Offsetting Earnings**. Lost potential earnings growth expected for each **Claiming Job** shall be determined through application of (a) a **Claimant Specific Growth Factor**, or (b) a **General Growth Factor**; in addition, for claims based on non-salaried, hourly-wage jobs, an **Industry Growth Factor** is applied.

The claimant shall receive a lump-sum final payment that includes compensation for **Claimant Lost Earnings**, plus any applicable **RTP** agreed upon by the parties, plus compensation for properly documented **Employment-Related Benefits Losses**, **Reimbursable Training Costs** and **Reimbursable Search Costs**, or **One Time, Non-Recurring Event Commission Compensation**, if any, less any **Spill-Related Payments**.

Example compensation calculations are set forth in Appendices A through F attached hereto.

Step 1: Claimant Selects Compensation Period and Benchmark Period

1. Claimant selects a **Compensation Period**. For a claimant who (i) was terminated for cause in 2010 from the **Claiming Job(s)**, or (ii) otherwise ended employment at the **Claiming Job(s)** in 2010 for reasons unrelated to the DWH Spill, the **Compensation Period** may not extend beyond the termination date.
2. Claimant selects a **Base Year(s)**.

Step 2: Determine Benchmark Period Earnings for the Months Corresponding to the Compensation Period

Earnings during the **Benchmark Period** shall be established on the basis of **Pay Period Earnings Documentation** and shall include earned income from each **Claiming Job** (or comparable job). The specific determination of earnings for the **Benchmark Period** shall depend on the nature and extent of the **Pay Period Earnings Documentation** provided. For example, if the claimant submits **Pay Period Earnings Documentation** that covers only discrete portions of a given calendar year (e.g., employee commission statements from May 2009 and December 2009), the **Claims Administrator** shall base the **Benchmark Period** earnings only on the actual documentation provided (*i.e.*, data shall not be extrapolated to periods for which **Pay Period Earnings Documentation** was not provided).

If the claimant submits **Pay Period Earnings Documentation** that provides data as to full year earnings but not the allocation of those earnings (*i.e.*, a year-end paystub), and if the

claimant also provides additional **Pay Period Earnings Documentation** deemed by the **Claims Administrator** to be sufficient for purposes of allocating those earnings across the relevant period, earnings shall be allocated accordingly. If no additional information is provided regarding the allocation of those earnings, the **Claims Administrator** shall assume a pro rata distribution over the relevant period.

All bonuses and/or commissions shall be allocated pro rata across the period for which they were awarded, and annual performance bonuses paid in January and February shall be assumed to relate to the prior calendar year, unless the documents establish that the bonus related to a specific period of time.

Step 3: Determine Earnings Growth Factor(s)

1. **Claimant Specific Growth Factor**: For claimants who provide **Pay Period Earnings Documentation** sufficient to calculate a **Claimant Specific Growth Factor**, the following **Growth Factors** may apply:
 - a. **Claimant Specific Growth Factor** is defined, and the calculation is explained, in Definitions Section N.1).
 - b. **Industry Growth Factor** is defined in Definitions Section N.3.
2. **Claimants for Whom Claimant Specific Growth Factor Is Not Applicable**: For claimants unable to provide **Pay Period Earnings Documentation** sufficient to calculate a **Claimant Specific Growth Factor** and for **Seasonal Employees**, no **Claimant Specific Growth Factor** shall apply. Instead, the following **Growth Factors** may apply:
 - a. **General Growth Factor** is defined in Definitions Section N.2 and is 2.0%.
 - b. **Industry Growth Factor** is defined in Definitions Section N.3: For claims based on non-salaried, hourly-wage jobs, an **Industry Growth Factor** of 1.5% shall be applied.

Step 4: Calculate Expected Earnings

Expected Earnings equal the **Benchmark Period** earnings calculated in Step 2 increased by the applicable **Growth Factors** (from Step 3).

$$\text{Expected Earnings} = \text{Benchmark Period Earnings from Step 2} \times (1 + \text{applicable Step 3 Growth Factor(s)})$$

Step 5: Determine Actual Earnings and Any Offsetting Earnings In The Compensation Period

Actual Earnings for all **Claiming Jobs** and any applicable **Offsetting Earnings** during the **Compensation Period** shall be determined based on **Pay Period Earnings Documentation** provided by the claimant and other documentation relevant to determining **Offsetting Earnings**. All bonuses and/or commissions shall be allocated pro rata across the period for which they were awarded, and annual performance bonuses paid in January and February shall be assumed to relate to the prior calendar year, unless the documents establish that the bonus related to a specific period of time.

Offsetting Earnings and **Actual Earnings** from all **Claiming Jobs** shall be calculated giving consideration to all **Claiming Jobs**, provided that:

1. If the claimant has only one **Claiming Job**, then:

- i. If **Pay Period Earnings Documentation** (or other documentation relevant to calculating **Offsetting Earnings**) reflects the same or an increased number of hours worked at the **Claiming Job** in the **Compensation Period** relative to the **Claiming Job** (or comparable job) in the **Benchmark Period**, **Actual Earnings** shall be limited to earnings from the **Claiming Job** (or comparable job) over the same total number of hours worked in the **Benchmark Period**, and no **Offsetting Earnings** shall apply.

OR

- ii. If **Pay Period Earnings Documentation** (or other documentation) (i) reflects a decrease in hours worked at the **Claiming Job** during the **Compensation Period**, and (ii) the claimant's **Pay Period Earnings Documentation** reflects additional hours worked at a **Non-Claiming Job** (whether such **Non-Claiming Job** was held in the **Benchmark Period** or is a new position), **Offsetting Earnings** shall be calculated and factored into the determination of **Claimant Lost Earnings**.

2. If the claimant has more than one **Claiming Job**, then:

- i. If **Pay Period Earnings Documentation** (or other documentation relevant to calculating **Offsetting Earnings**) for all **Claiming Jobs** reflects the same or an increased number of total hours worked across all **Claiming Jobs** during the **Compensation Period** (relative to all **Claiming Jobs** (or comparable jobs) in the **Benchmark Period**), aggregate **Actual Earnings** in the **Compensation Period** shall be limited to total earnings from all **Claiming Jobs** (or comparable jobs) over the same number of total hours worked in the **Benchmark Period**, provided that earnings from hours lost in one **Claiming Job** shall be replaced by earnings from the same number of hours worked in a different **Claiming Job** during the **Compensation Period**. No **Offsetting Earnings** shall apply.

OR

- ii. If **Pay Period Earnings Documentation** (or other documentation relevant to calculating **Offsetting Earnings**) for all **Claiming Jobs** reflects (i) fewer total hours worked across all **Claiming Jobs** during the **Compensation Period** (relative to all **Claiming Jobs** (or comparable jobs) in the **Benchmark Period**), but (ii) more hours worked in one (or more) **Claiming Job(s)** in the **Compensation Period** (relative to the same **Claiming Job(s)** in the **Benchmark Period**), aggregate **Actual Earnings** in the **Compensation Period** shall include total earnings from all **Claiming Jobs** (or comparable jobs) in the **Compensation Period**. If the claimant's **Pay Period Earnings Documentation** also reflects additional hours worked at a different (**Non-Claiming Job**) position (whether

such position was held in the **Benchmark Period** or is a new position), **Offsetting Earnings** shall be calculated and factored into the determination of **Claimant Lost Earnings** for the number of hours representing the difference between (a) total hours worked in all **Claiming Jobs** in the **Compensation Period**, and (b) total hours worked in all **Claiming Jobs** in the **Benchmark Period**.

OR

- iii. If **Pay Period Earnings Documentation** (or other documentation) for all **Claiming Jobs** (i) reflects a decrease in hours worked at each **Claiming Job** during the **Compensation Period**, and (ii) the claimant's **Pay Period Earnings Documentation** reflects additional hours worked at a different position (whether such position was held in the **Benchmark Period** or is a new position), **Offsetting Earnings** shall be calculated and factored into the determination of **Claimant Lost Earnings** for the total lost hours.

OR

- iv. If the claimant does not have **Pay Period Earnings Documentation** (or other documentation establishing hours worked) for all **Claiming Jobs**, then **Actual Earnings** shall include all earnings from all **Claiming Jobs** and **Offsetting Earnings** shall apply.

Step 6: Determine Claimant Lost Earnings

Claimant Lost Earnings shall be calculated as (a) the difference between (i) the claimant's **Expected Earnings** during the **Compensation Period** (Step 4) from all **Claiming Jobs** and (ii) the claimant's **Actual Earnings** during the **Compensation Period**, as adjusted, if relevant (Step 5) from all **Claiming Jobs**, reduced by (b) any applicable **Offsetting Earnings**.

Step 7: Calculate Final Claimant Compensation

Final Claimant Compensation shall be **Claimant Lost Earnings** (Step 6) adjusted as follows:

1. Add any applicable **RTP** agreed to by the parties. For an employee terminated for cause from a **Claiming Job**, no **RTP** shall apply.
 - For claimants whose **Claimant Lost Earnings** result from more than one **Claiming Job**, the claimant's applicable **RTP** shall be calculated based on (i) the percentage of total **Claimant Lost Earnings** related to each **Claiming Job**, multiplied by (ii) the **RTP** applicable to each **Claiming Job**, which is determined by the job type (**Tourism/Other Industries**) and zone (Zone A, B, C or D). For example, a claimant with 50% of their lost earnings from a job Zone A hotel, and 50% of their lost earnings from a job in a Zone C restaurant shall receive an **RTP** that is calculated as follows:

$$\text{Applicable RTP} = .5 * \text{RTP}_{\text{Zone A Tourism (hotel)}} + .5 * \text{RTP}_{\text{Zone C Tourism (restaurant)}}$$

2. Add any **Reimbursable Training Costs**. **Reimbursable Training Costs** shall be fully reimbursed if the training led directly to earned income in 2010. If no corresponding

income was earned in 2010, then **Reimbursable Training Costs** shall be reimbursed up to \$2,000.

For example: A claimant who paid \$3,000 after April 20, 2010 to secure a commercial trucking license and who earned income as a commercial trucker in 2010 shall receive \$3,000 in reimbursement. If the claimant earned no income from commercial trucking during 2010, the claimant would receive a \$2,000 reimbursement.

3. Add any **Reimbursable Search Costs**.
4. Add any applicable **Employment-Related Benefits Losses**.
5. Add any **One Time, Non-Recurring Event Compensation**.
6. Subtract any **Spill-Related Payments**.

7. The formula for **Final Claimant Compensation** is:

$$\begin{aligned}
 & \text{Claimant Lost Earnings} \\
 + & \text{ (Claimant Lost Earnings x any applicable RTP)} \\
 + & \text{ Employment-Related Benefits Losses (if applicable)} \\
 + & \text{ Reimbursable Training Costs (full if led to earned income in 2010 from} \\
 & \text{ area of training, otherwise \$2,000) (if applicable)} \\
 + & \text{ Reimbursable Search Costs (if applicable)} \\
 + & \text{ One Time, Non-Recurring Event Compensation (if applicable)} \\
 - & \text{ Spill-Related Payments (if applicable)} \\
 - & \text{ VoO Settlement Offset and/or VoO Earned Income Offset (if any)}
 \end{aligned}$$

III. CATEGORY III: CLAIMANTS WITH EARNINGS DOCUMENTATION FOR 2010 BUT WITHOUT COMPARABLE BENCHMARK PERIOD EARNINGS

For **Individual Claimants Without Comparable Benchmark Earnings** who meet the definition of a **New Entrant To Employment**, a **Claimant Who Had Less Than Twelve Months Of Earnings History But Was Employed On April 20, 2010** or a **Career Changer, 2011 Benchmark Period** earnings shall be used to establish **Expected Earnings**, provided that if no such earnings exist, the claimant's **Expected Earnings** will be based on the applicable alternative identified in this Category III, Step 2.

If available, the Category III claimant must provide federal or state **Tax Returns** or Forms W-2 for 2010 and 2011 (and for 2009 if the claimant is a **Career Changer** who did not work in the relevant 2011 time period).¹⁷ If **Tax Returns** or Forms W-2 and/or 1099 are not available, the claimant must provide a written statement under oath attesting that no **Tax Returns** are available and attesting that the claimant made diligent efforts to obtain Forms W-2 from his or her employer.

Category III claimants who do not have **Tax Information Documents** available may instead provide **Pay Period Earnings Documentation** sufficient to establish earnings during the **Compensation Period** and 2011 (and for 2009 if the claimant is a **Career Changer** who did not work in the relevant 2011 time period). If no **Pay Period Earnings Documentation** or other annual employer-provided payroll documentation is available for 2010 and 2011 (and for 2009 if the claimant is a **Career Changer** who did not work in the relevant 2011 time period), claimant shall so state in the sworn Claim Form.

In the event a claimant cannot provide **Tax Information Documents** or **Pay Period Earnings Documentation** or, for claimants who were not employed in 2011, other documentation required in III.B.1.b or III.B.2.b, claimant may not proceed under this Category III and should proceed to Category IV to the extent the claimant qualifies for compensation under that Category.

A. Documentation Requirements

1. **Documentation Establishing Employment Earnings:** Claimants under this Category who have **Tax Information Documents** for 2010 and 2011 must provide at least one of the following **Tax Information Documents** for 2010 and 2011 and, if a **Career Changer**, for 2009:
 - Federal tax Form 1040 pages 1 and 2, all pages of Schedules C, E, and F, and any supporting statements attached to the Form 1040 filing (including Form W-2s for joint returns); or
 - State tax return, including any supporting schedules or statements; or
 - Forms W-2 documenting earnings; or
 - Forms 1099 documenting earnings.

¹⁷ If a claimant has not maintained copies of his or her federal income tax returns, he or she shall request a copy or transcript directly from the IRS. If a claimant has not maintained copies of his or her Forms W-2, he or she shall request copies directly from the IRS for each employer they worked for during the **Compensation Period** and 2011 (and, if the claimant is a **Career Changer**, for 2009). A federal **Tax Information Document** shall be considered available if it exists and is in the claimant's possession or has not been requested from the IRS and/or employer.