

2. **Documentation Establishing Pay Period Earnings:** To the extent it is available, or if **Tax Information Documents** for 2010 and 2011 are not available, a claimant must provide **Pay Period Earnings Documentation** for 2010 and the **2011 Benchmark Period**. A claimant also must provide documentation to establish any bonuses and/or commissions received during the **2011 Benchmark Period** and the **Compensation Period**, as well as bonuses and/or commissions received during January or February of the 2010 and 2011 for all jobs worked. A **Career Changer** must also provide such information for 2009. 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 (and, if a **Career Changer**, for 2009) 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
 - 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 is (i) a **Career Changer** or a **Claimant Who Had Less Than Twelve Months of Earnings History But Was Employed On April 20, 2010** who seeks to qualify for a causation presumption as set forth in Sections III.B.1.a, III.B.1.b and III.B.1.c.i, or (iii) a **New Entrant to Employment** who seeks to qualify for a causation presumption as set forth in Sections III.B.2.a, III.B.2.b and III.B.2.c.i, the claimant must provide documentation 2010 and 2011 (and, if the claimant is a **Career Changer**, for 2009) 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**,¹⁸ or **Charter Fishing**¹⁹ as applicable. To satisfy this requirement, the claimant must demonstrate the employer's location and the following:

¹⁸ The definition of **Tourism** is set forth in the **Tourism Definition**, Bates 026632 - 026646.

¹⁹ The definition of **Charter Fishing** is set forth in Definitions Section 38 of the *Deepwater Horizon* Economic and Property Damages Settlement Agreement.

- 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.
7. The Causation Requirements set forth in Section III.B below may require additional documentation.

B. Causation Requirements

1. **Causation for a Career Changer and a Claimant Who Had Less Than Twelve Months of Earnings History But Was Employed On April 20, 2010:** In order for a **Career Changer** or a **Claimant Who Had Less Than Twelve Months of Earnings History But Was Employed On April 20, 2010** to establish causation under this Category III, the claimant must satisfy the following:
- a. The claimant must have been employed in the **Claiming Job** on April 20, 2010.
- AND
- b. During the **2011 Benchmark Period** (even if 2011 is not used to calculate **Expected Earnings**), the claimant was either (i) employed, (ii) temporarily medically incapacitated such that the claimant was unable to work but expected to return to the workforce shortly thereafter, (iii) engaged in activities or in a condition entitling an employee to leave under Section 102 of The Family Medical Leave Act, of 1993, as amended, 29 U.S.C. §§ 2601, 2612, but did not receive compensation,²⁰ (iv) involuntarily unemployed and can appropriately document job search activities, provided that the claimant can demonstrate that any involuntary unemployment was not a function of the claimant's termination for cause, (v) a full time student, (vi) medically incapacitated such that the claimant was unable to work and was expected to be unable to return to the workforce, or (vii) was engaged in full-time volunteer or missionary work or had chosen to leave the workforce to serve as a full-time parent or legal guardian. Documentation satisfying this requirement includes one of the following:
 - i. For a claimant employed during 2011, **Tax Information Documents, Pay Period Earnings Documentation**, or other annual employer-provided payroll

²⁰ If the claimant is (i) a **Career Changer** or a **Claimant Who Had Less Than Twelve Months Of Earnings History But Was Employed On April 20, 2010**, and (ii) was on temporary medical leave from his or her employer pursuant to the Family Medical Leave Act, and (iii) received compensation during the time period of **2011 Benchmark Period**, the claimant shall be considered to have been employed during the time he or she was receiving compensation.

information or other documentary evidence acceptable to the **Claims Administrator**.

- ii. For a temporarily medically-incapacitated **Individual**, documentation establishing that claimant experienced the temporary disability, such as hospital or medical records or records reflecting receipt of short-term disability or similar benefits.
- iii. For an **Individual** engaged in activities or a condition entitling an employee to leave under Section 102 of The Family Medical Leave Act, of 1993, as amended, 29 U.S.C. §§ 2601, 2612, who did not receive compensation during the **2011 Benchmark Period**, documentation establishing the activities or condition, the duration of such activities or condition, any compensation received during such periods, and/or communications with the employer regarding the same.
- iv. For an involuntarily unemployed **Individual**, contemporaneous documentation evidencing a job search and diligent efforts to secure employment, as well as the documentation set forth in Section III.A.5 demonstrating that the involuntary unemployment was not a function of the claimant's termination for cause.
- v. For a full-time student, documentation reflecting full-time matriculation or enrollment at a college or university, such as a matriculation certificate, tuition bill and evidence of payment, a transcript, a degree, certificate, or diploma indicating completion of a course of study, or a letter from the college or university registrar verifying the matriculation.
- vi. For a medically-incapacitated **Individual** not expected to return to the workforce, documentation establishing the claimant experienced such disability, such as hospital or medical records or records reflecting receipt of Social Security or other disability benefits.
- vii. For an **Individual** who was engaged in full-time volunteer or missionary work or who had chosen to leave the workforce to serve as a full-time parent or legal guardian, documentation evidencing the reason that the **Individual** was not engaged in work for monetary compensation.

AND

- c. The claimant must satisfy one of the following:
 - i. **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 III.A.5.c:

- 1) If a claimant is an **Individual** seeking compensation for an economic loss relating to employment within Zone A,²¹ the claimant is not required to provide any evidence of causation relating to that **Claiming Job**.
- 2) 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**.
- 3) 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**.
- 4) 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**.
- 5) 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

- ii. **Individual Claimant Without Presumed Causation:** If a claimant is not entitled to a causation presumption as set forth in Section III.B.1.c.i, the claimant can establish causation for a **Claiming Job** during the **Compensation**

²¹ 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.

Period only by satisfying the requirements of one of the following sub-sections:

- 1) Causation is established if the **Claiming Job** is with an **Eligible Employer**. The **Claims Administrator** shall verify that the employer is an **Eligible Employer**.
 - 2) 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**.
2. **Causation for a New Entrant to Employment**: In order for a **New Entrant to Employment** to establish causation under this Category III, the claimant must satisfy the following:
- a. The claimant must satisfy the definition of a **New Entrant to Employment** and shall provide documentation showing residency, or that the claimant took significant affirmative steps to establish residency, within close enough proximity to the anticipated location of employment to travel to the job as frequently as required by the employer, for a period of at least 60 days after April 20, 2010 but before December 31, 2010 (or before April 30, 2011 for claimants whose employer or expected employer satisfied the **Primary Seafood Industry** definition). Documentation meeting this requirement includes:
 - i. A lease or rental agreement; or
 - ii. A sublease agreement; or
 - iii. Contemporaneous utility bills.

AND

- b. During the **2011 Benchmark Period**, the claimant was either (i) employed, (ii) temporarily medically incapacitated such that the claimant was unable to work but expected to return to the workforce shortly thereafter, (iii) engaged in activities or in a condition entitling an employee to leave under Section 102 of The Family Medical Leave Act, of 1993, as amended, 29 U.S.C. §§ 2601, 2612, but did not

receive compensation,²² (iv) involuntarily unemployed and can appropriately document job search activities, provided that the claimant can demonstrate that any involuntary unemployment was not a function of the claimant's termination for cause, (v) a full time student, (vi) medically incapacitated such that the claimant was unable to work and was expected to be unable to return to the workforce, or (vii) was engaged in full-time volunteer or missionary work or had chosen to leave the workforce to serve as a full-time parent or legal guardian. Documentation satisfying this requirement includes one of the following:

- i. For a claimant employed during 2011, **Tax Information Documents, Pay Period Earnings Documentation**, or other annual employer-provided payroll information or other documentary evidence acceptable to the **Claims Administrator**.
- ii. For a temporarily medically-incapacitated **Individual**, documentation establishing that claimant experienced the temporary disability, such as hospital or medical records or records reflecting receipt of short-term disability or similar benefits.
- iii. For an **Individual** engaged in activities or a condition entitling an employee to leave under Section 102 of The Family Medical Leave Act, of 1993, as amended, 29 U.S.C. §§ 2601, 2612, who did not receive compensation during the **2011 Benchmark Period**, documentation establishing the activities or condition, the duration of such activities or condition, any compensation received during such periods, and/or communications with the employer regarding the same.
- iv. For an involuntarily unemployed **Individual**, contemporaneous documentation evidencing a job search and diligent efforts to secure employment, as well as the documentation set forth in Section III.A.5 demonstrating that the involuntary unemployment was not a function of the claimant's termination for cause.
- v. For a full-time student, documentation reflecting full-time matriculation or enrollment at a college or university, such as a matriculation certificate, tuition bill and evidence of payment, a transcript, a degree, certificate, or diploma indicating completion of a course of study, or a letter from the college or university registrar verifying the matriculation.
- vi. For a medically-incapacitated **Individual** not expected to return to the workforce, documentation establishing the claimant experienced such disability, such as hospital or medical records or records reflecting receipt of Social Security or other disability benefits.

²² If the claimant is (i) a **Career Changer** or a **Claimant Who Had Less Than Twelve Months Of Earnings History But Was Employed On April 20, 2010**, and (ii) was on temporary medical leave from his or her employer pursuant to the Family Medical Leave Act, and (iii) received compensation during the time period of **2011 Benchmark Period**, the claimant shall be considered to have been employed during the time he or she was receiving compensation.

- vii. For an **Individual** who was engaged in full-time volunteer or missionary work or who had chosen to leave the workforce to serve as a full-time parent or legal guardian, contemporaneous documentation evidencing the reason that the **Individual** was not engaged in work for monetary compensation.

AND

- c. The claimant must satisfy one of the following:
 - i. **Presumed Causation:** The DWH Spill shall be presumed to be the cause of lost earnings for a **Claiming Job** during the **Compensation Period** for **New Entrants to Employment** who provide documentation showing proof of an offer of employment made and accepted prior to April 20, 2010 for employment to begin between April 21 and December 31, 2010 (or for employment to begin between April 21, 2010 and April 30, 2011 for claimants in the **Primary Seafood Industry**), provided that the following conditions are also met:
 - 1) The offer documentation evidences expected employment:
 - a) Within Zone A;²³ or,
 - b) In which the offering employer was an entity or Natural Person that satisfies the **Primary Seafood Industry** definition as set forth in the **Seafood Distribution Chain Definitions**; or,
 - c) In which the offering employer was 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; or
 - d) In which the offering employer was a business located in Zone B that meets the definition of **Tourism**; or
 - e) In which the offering employer was a business located in Zones A, B or C that satisfies the definition of **Charter Fishing**.

²³ 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.

- 2) The documentation provided must include information sufficient to establish proposed start and end dates, wage rate and projected hours, and withdrawal of the offer during the period April 21 through December 31, 2010.

OR

- ii. **Individual Claimant Without Presumed Causation:** If the **New Entrant to Employment** is not entitled to a causation presumption as set forth in Section III.B.2.c.i, the claimant can establish causation for a **Claiming Job** during the **Compensation Period** only by providing an **Employer Sworn Written Statement** attributing the claimant's loss of income during the **Compensation Period** to the DWH Spill. The statement must articulate in detail how the claimant's losses are causally related to the DWH Spill, and must specifically (i) attest to the claimant's accepted employment offer (including start and end dates, wage rate and projected hours), and (ii) verify that the employer's decision not to employ the claimant, or to employ the claimant in a reduced capacity, was due to or resulting from the DWH Spill. Such letter 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 Statement(s)**, and have the right to request supplemental documentation and/or interview the employer in accordance with the **Addendum Regarding Interviews of Claimant Alleging Economic Loss**.

C. **Compensation Calculation**

For claimants who were employed in 2011 in the same job or similar job as that performed or offered and withdrawn in the **Compensation Period** selected by the claimant, the **Claims Administrator** shall use either **Tax Information Documents** and/or **Pay Period Earnings Documentation**, to calculate the **Claimant's Lost Earnings**. As set forth in the steps below, **Claimant's Lost Earnings** includes any lower amount of earnings in the **Compensation Period** as compared to the **2011 Benchmark Period**, after those 2011 earnings have been decreased by the **General Growth Factor**, less any **Offsetting Earnings**. In addition, for claims based on non-salaried, hourly-wage jobs, the claimant's 2011 earnings shall also be decreased by the **Industry Growth Factor**.

For any Category III claimant not employed in 2011 in the same job or similar job as that performed or offered and withdrawn in the **Compensation Period** selected by the claimant and satisfying a requirement of Section III.B.1.b or III.B.2.b above, **Expected Earnings** for each type of Category III claimant shall be based on alternative data, as described in detail in Item 2 of Step 2 below.

The claimant shall receive a lump-sum final payment that includes compensation for **Claimant's 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, if any, less the amounts of any **Spill-Related Payments**.

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

Step 1: Claimant Selects Compensation 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.

Step 2: Identify 2011 Benchmark Period Earnings to Be Used in Calculating Expected Earnings

The purpose of this Step 2 is to identify earnings to be used in calculating **Expected Earnings**.

1. For claimants employed during a **2011 Benchmark Period**, the claimant's earnings used in calculating **Expected Earnings** shall be the claimant's earnings from such 2011 period.
 - a. **Claimants with Tax Information Documents:** Earnings during the **2011 Benchmark Period** as evidenced by **Tax Information Documents** shall include earned income from the **Claiming Job** (or comparable job) and shall be assumed to have been earned evenly throughout 2011 unless the claimant provides **Pay Period Earnings Documentation** sufficient to establish actual earnings distribution. 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.
 - b. **Claimants with only Pay Period Earnings Documentation:** Earnings during the **2011 Benchmark Period** as evidenced by **Pay Period Earnings Documentation** for each **Claiming Job** shall be determined based upon the nature and extent of the documentation provided.
 - i. If the claimant submits **Pay Period Earnings Documentation** that covers only discrete portions of 2011, the **Claims Administrator** shall base the **2011 Benchmark Period** earnings for that job only on the actual documentation provided (i.e., data shall not be extrapolated to periods for which **Pay Period Earnings Documentation** was not provided).

- ii. If the claimant submits **Pay Period Earnings Documentation** for a job that provides data as to full year earnings but not the allocation of those earnings (*i.e.*, a year-end paystub), then 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 for that job shall be allocated consistent with that **Pay Period Earnings Documentation**.
- iii. 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.
- iv. All bonuses and/or commissions shall be allocated pro rata across the period for which the claimant indicates 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.

OR

- 2. For claimants not employed during the **2011 Benchmark Period**, but who satisfied the causation requirement in Section III.B.3, the claimant's earnings used in calculating **Expected Earnings** shall be one of the following:
 - a. **New Entrant To Employment:** The claimant's **Expected Earnings** during the **Compensation Period** shall be based on the rescinded or reduced offer of employment or **Employer Sworn Written Statement** used to establish causation.
 - b. **Claimant Who Had Less Than Twelve Months Of Earnings History But Was Employed On April 20, 2010:** The claimant's **Expected Earnings** shall be based on the claimant's average monthly pre-DWH Spill earnings in the **Claiming Job**, recognizing that this calculation shall be based on less than twelve months of earnings data and shall be subject to an **Industry Growth Factor** only, if relevant, as described below.
 - c. **Career Changer:** The claimant's **Expected Earnings** shall be based on earnings in the 2009 time period of at least 90 consecutive days corresponding to the time period of at least 90 consecutive days within the same months selected by the claimant as the **Compensation Period**.

Step 3: Determine Earnings Growth Factor(s)

- 1. The following **Growth Factors** may apply for purposes of calculating **Expected Earnings**:
 - 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 claimants in non-salaried, hourly wage jobs, the **Industry Growth Factor** of 1.5% shall be

applied.

- c. **Claimant Specific Growth Factor** is defined, and the calculation is explained in Definitions Section N.1. For purposes of this Section III, a **Claimant Specific Growth Factor** may apply only in the limited circumstance of a **Career Changer** who does not have earnings during the **2011 Benchmark Period** for one of the reasons set forth in Section III.B.3.

Step 4: Calculate Expected Earnings

Expected Earnings will be calculated as follows:

1. For claimants covered by Step 2.a, **Expected Earnings** equal the earnings over the **2011 Benchmark Period**, decreased by the applicable **Growth Factors** (from Step 3).

Expected Earnings = 2011 Benchmark Period Earnings from Step 2 x (1 - applicable Step 3 Growth Factor(s))

2. For claimants covered by Step 2.b, **Expected Earnings** are calculated according to one of the following:
 - a. **New Entrant To Employment:** The claimant's **Expected Earnings** during the **Compensation Period** shall be based on the rescinded or reduced offer of employment or **Employer Sworn Written Statement** used to establish causation. No **Growth Factors** apply.
 - b. **Claimant Who Had Less Than Twelve Months Of Earnings History But Was Employed On April 20, 2010:** The claimant's **Expected Earnings** shall be based on the claimant's average monthly pre-DWH Spill earnings in the **Claiming Job**, recognizing that this calculation shall be based on less than twelve months of earnings data and shall be increased by the **Industry Growth Factor**, if relevant. No other **Growth Factors** shall apply.
 - c. **Career Changer:** The claimant's **Expected Earnings** shall be based on earnings in the 2009 time period of at least 90 consecutive days corresponding to the time period of at least 90 consecutive days within the same months selected by the claimant as the **Compensation Period**, increased by the **Claimant Specific Growth Factor** or the **General Growth Factor**, as applicable, and by an **Industry Growth Factor**, if applicable.

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 Documentation** or **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, provided that:
 - 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:

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

- For claimants unable to work in 2011 because they were (i) a full time student, (ii) medically incapacitated such that the claimant was unable to work and was expected to be unable to return to the workforce, or (iii) engaged in full-time volunteer or missionary work or had chosen to leave the workforce to serve as a full-time parent or legal guardian (as set forth in Section III.B.3), no **RTP** shall be applied.
 - For an employee terminated for cause in 2010 from a **Claiming Job**, no **RTP** shall apply.
2. Add any **Reimbursable Training Costs**. **Reimbursable Training Costs** shall be fully reimbursed if the training led directly to earned income in 2010. If not, 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:

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

IV. CATEGORY IV: CLAIMANTS WITHOUT EARNINGS DOCUMENTATION WHO SUBMIT CLAIMANT AND EMPLOYER SWORN WRITTEN STATEMENTS TO ESTABLISH EARNINGS

Any claimant who satisfies all of the following criteria may be eligible for compensation pursuant to this Category IV:

1. The claimant's employer or employment is located in Zones A, B or C.²⁴
2. The claimant does not have **Tax Information Documents** or **Pay Period Earnings Documentation** for the **Claiming Job** evidencing his or her earnings during the relevant time period. For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the relevant periods shall be (i) April 21, 2009 through April 20, 2010, and (ii) April 21, 2010 through April 30, 2011. For all other claimants, the requisite periods shall be (i) April 21 through December 31, 2009 and (ii) April 21 through December 31, 2010.
3. The claimant is not a **New Entrant to Employment**.

Claimants who meet the criteria above may instead establish lost earnings and causation by submitting, in addition to a sworn Claim Form, (a) a **Claimant Sworn Written Statement** with specified contents, (b) one or more **Employer Sworn Written Statement(s)** providing information for at least the periods April 21 through December 31, 2009, and April 21 through December 31, 2010,^{25,26} and, at the claimant's option, for additional periods as described below, (c) any other specified documentation. In addition, the **Claims Administrator** may interview the claimant and/or the employer consistent with the **Addendum Regarding Interviews of Claimant Alleging Economic Loss** and Section IV.B, below.

A. Documentation And Causation Requirements:

A Category IV claimant must provide a sworn Claim Form and all of the documents identified below. The **Claims Administrator** shall review and assess the documentation provided by the claimant, including information from the claimant's employer(s), and any other information deemed relevant by the **Claims Administrator**, for purposes of determining whether the

²⁴ 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 uniquely 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.

²⁵ For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the claimant should instead provide one or more **Employer Sworn Written Statement(s)** for the periods (i) April 21, 2009 through April 20, 2010 and (ii) April 21, 2010 through April 20, 2011.

²⁶ If the information for both required periods can be satisfied with an **Employer Sworn Written Statement** from one employer, only one **Employer Sworn Written Statement** is required. If a single employer is not able to provide the necessary information for both required periods set forth above, the claimant must submit at least one **Employer Sworn Written Statement** for each period.

claimant experienced a loss of earnings during April 21 through December 31, 2010,²⁷ and, if so, whether the loss was due to or resulting from the DWH Spill. The **Claims Administrator** shall rely on his assessment of the credibility and reliability of the information submitted in determining if this causation requirement is satisfied.

1. **Claimant Sworn Written Statement**: The claimant shall submit a **Claimant Sworn Written Statement** which sets forth the following information and shall attach any relevant documents in claimant's possession:
 - a. No **Tax Returns** are available for 2009 and 2010.
 - b. No **Pay Period Earnings Documentation** is available for the **Claiming Job(s)** for the period April 21 through December 31 of 2009 and 2010.²⁸
 - c. The claimant made diligent efforts to obtain Form W-2s for 2009 and 2010 from his or her employer(s) and they are not available.
 - d. The claimant's employment history with each employer, including, for example, the nature of the work performed, number of years worked, whether the employment is steady or seasonal, year-round or intermittent, and the circumstances of the claimant's departure and/or termination, if applicable. At a minimum, the claimant shall include the following:
 - i. The business name, last known address, telephone number and, if available, website of each of claimant's employers for the period April 21 through December 31 of 2009 and 2010.²⁹
 - ii. To be potentially eligible for an **RTP**, the claimant must also provide the above information for the period April 21 through December 31, 2011.³⁰
 - e. The claimant's actual earned income from all sources in 2009 and 2010, and any other earnings history that the claimant believes is relevant to support the claim, including any support for the claimant's belief that these actual earned amounts are accurate.
 - f. If applicable, the claimant's BP/GCCF Claim Number, and a listing of any **Spill-Related Payments** received by the claimant.
 - g. An explanation of how the reduction of claimant's hours of work, termination of the claimant's employment, and/or withdrawal of an offer of employment

²⁷ For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the potential loss period shall be April 21, 2010 through April 20, 2011.

²⁸ For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the claimant should instead verify that no **Pay Period Earnings Documentation** for the **Claiming Job** is available for the periods (i) April 21, 2009 through April 20, 2010 and (ii) April 21, 2010 through April 20, 2011.

²⁹ For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the claimant should instead provide the business name and last known address of each of claimant's employers for the periods (i) April 21, 2009 through April 20, 2010 and (ii) April 21, 2010 through April 20, 2011.

³⁰ For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the claimant should instead provide the business name and last known address of each of claimant's employers for the period April 21, 2011 through April 20, 2012 to be potentially eligible for an **RTP**.

related to the **Claiming Job(s)** during the period from April 21, 2010 - December 31, 2010 was due to or resulting from the DWH Spill.³¹

- h. A statement and any available documentation establishing that the claimant was present and available to work in Zones A, B or C in close enough proximity to the anticipated location of employment to travel to the job as frequently as required by the employer during the period from April 21, 2010 to December 31, 2010.³²
 - i. To be potentially eligible for an **RTP**, the claimant must satisfy the above requirement for the period April 21 through December 31, 2011.³³
 - ii. Documentation that could demonstrate presence and availability includes, but is not limited to, the following:
 - 1) A lease or rental agreement; or
 - 2) A sublease agreement; or
 - 3) Contemporaneous utility bills.

2. **Claimant Employability Documentation:**

Consists of both:

- a. 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, or a print out from a public database providing the same information as would be provided by the original document.

AND

- b. Evidence that the claimant was at least 16 years of age as of April 20, 2010. Acceptable evidence includes a valid driver's license, a valid passport, or a 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.

- 3. **Licensing Documentation:** If the claimant's employment in the **Claiming Job** requires a government-issued license/permit, the claimant shall provide a copy of valid 2009, 2010 and, if applicable, 2011 licenses, or a print out from a public database providing the same information as would be provided by the original document, such as:

³¹ For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the claimant should instead provide an explanation of how the reduction of claimant's hours of work, termination of the claimant's employment, and/or withdrawal of an offer of employment for the periods (i) April 21, 2009 through April 20, 2010 and (ii) April 21, 2010 through April 20, 2011 was due to or resulting from the DWH Spill.

³² For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the claimant should instead provide information regarding his or her presence and availability for work in Zones A, B or C for the period April 21, 2010 through April 20, 2011.

³³ For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the claimant should instead provide information regarding his or her presence and availability for work in Zones A, B or C for the period April 21, 2011 through April 20, 2012 to be potentially eligible for an **RTP**.

- a. Taxi/livery licenses.
 - b. Real Estate Sales licenses.
 - c. Other licenses and permits related to income sources.
4. **Employer Sworn Written Statement**: The claimant shall submit an **Employer Sworn Written Statement** from at least one of his or her employers during each of the periods April 21 through December 31 of 2009 and 2010, which sets forth the following information with any relevant documents attached.³⁴ If the information for both required periods can be satisfied with an **Employer Sworn Written Statement** from one employer, only one **Employer Sworn Written Statement** is required. If a single employer is not able to provide the necessary information for both required periods, the claimant must submit at least one **Employer Sworn Written Statements** for each period.
- a. **Employer Information**
 - i. Employer's business name
 - ii. Address(es)
 - iii. Telephone number(s)
 - iv. Website(s), if available
 - v. A description of the nature of the business
 - vi. Compensation practices (for example, weekly or bi-weekly pay periods), wage rates, and typical hours worked for employees holding jobs comparable to the **Claiming Job**.
 - vii. If the employer is not an **Eligible Employer**, information sufficient to establish the following:
 - 1) The size and scale of the employer's business, such as:
 - a) Size of physical plant;
 - b) Best estimate of the number of customers;
 - c) Best estimate of the volume of product produced;
 - d) Best estimate of the number of full-time and part-time employees;
 - e) Financial information; and/or
 - f) To the extent the business is a seasonal business, this information should be provided to reflect business size during different seasons.

³⁴ For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the **Employer Sworn Written Statement** shall be provided from each of the claimant's employers for the periods (i) April 21, 2009 through April 20, 2010 and (ii) April 21, 2010 through April 20, 2011.

- 2) Copies of any applicable required licenses possessed by the employer during the period April 21 through December 31 of 2009 and 2010,³⁵ or a print out from a public database providing the same information as would be provided by the original document .

b. Employee Information

- i. The claimant's employment history with employer, including, for example, the nature of the work performed, number of years worked, whether the employment is steady or seasonal, year-round or intermittent, and the circumstances of the claimant's departure and/or termination, if applicable.
- ii. The claimant's wage rate and total compensation for the following periods, if applicable:
 - 1) April 21 through December 31, 2009;³⁶
 - 2) April 21 through December 31, 2010;³⁷
 - 3) April 21 through December 31, 2011;³⁸ and
 - 4) Any other time period for which the employer is able and elects to provide the requested information.

If the employer cannot provide precise actual dates and times, it shall be sufficient for the employer to provide more general information satisfying this standard – for example, "Claimant was employed for 30 days at a rate of \$100 per day for 12 weeks during the months of [June - August 2009]" .

- iii. If the employer (i) employed the claimant and/or (ii) offered the claimant employment during the period from April 21, 2010 - December 31, 2010,³⁹ the employer shall provide the following:
 - 1) How the employer (a) terminated the claimant's employment, (b) reduced the claimant's hours of work, (c) withdrew an offer of employment, (d) did not extend an offer of seasonal (partial year) employment to the claimant, or (e) otherwise reduced employee's compensation due to or resulting from the DWH Spill with sufficient

³⁵ For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the employer should instead provide copies of any applicable required licenses for the periods (i) April 21, 2009 through April 20, 2010 and (ii) April 21, 2010 through April 20, 2011.

³⁶ For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the appropriate period is from April 21, 2009 through April 20, 2010.

³⁷ For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the appropriate period is from April 21, 2010 through April 20, 2011.

³⁸ For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the appropriate period is from April 21, 2011 through April 20, 2012.

³⁹ For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the appropriate period is from April 21, 2010 through April 20, 2011.

detail to permit the **Claims Administrator** to calculate the claimant's lost hours of work and lost earnings from such employment during such period.

- 2) A specific explanation of how (i) the reduction of claimant's hours of work identified, or (ii) the withdrawal of, or (iii) the failure to extend, an offer of employment was due to or resulting from the DWH Spill.

The number of affidavits submitted by an employer on behalf of the claimant and any other claimants shall be monitored by the **Claims Administrator** for reasonableness in light of the employer's operations. For example, it would be anticipated that a 10-room motel would have approximately five full-time equivalent employees, or that a 50-seat diner-style restaurant would have approximately five full-time equivalent servers.

B. Interviews

1. The **Claims Administrator** shall have the right to interview all claimants and related employer(s) in this Category IV claiming lost earnings of \$7,500 or more and up to 25% of all other claimants within this Category IV and their supporting employer(s), in accordance with the provisions of the **Addendum Regarding Interviews of Claimant Alleging Economic Loss**.⁴⁰
2. In addition, and notwithstanding the provisions of Section IV.B.1, the **Claims Administrator** shall have the right to interview any employer who submits an **Employer Sworn Written Statement** on behalf of more claimants than the **Claims Administrator** determines is reasonable for the position for which the employer is providing the **Employer Sworn Written Statement**, in accordance with the provisions of the **Addendum Regarding Interviews of Claimant Alleging Economic Loss**.

C. Description Of Compensation Calculation

The **Claims Administrator** shall determine the **Final Claimant Compensation** amount based on the totality of the information provided by the claimant and his or her employer(s), including the sworn Claim Form, **Claimant Sworn Written Statement**, **Employer Sworn Written Statement(s)**, interviews (if any), and/or any supplemental information the **Claims Administrator** may require the claimant to provide to support the claim, and/or any other information the **Claims Administrator** may determine to be relevant and reliable (collectively, the "**Claim File**"). The **Claims Administrator** shall rely on his assessment of the reliability and credibility of the **Claim File** information and the specifics of any claimed economic loss in determining the claimant's compensation, if any, to be provided to the claimant.

⁴⁰ In addition, nothing in this **Framework for Individual Economic Loss Claims** shall in any way limit the right and obligation of the **Claims Administrator** to investigate fully all suspicions of fraudulent conduct by or on behalf of any claimant, including but not limited to conducting any interviews and obtaining any documents the **Claims Administrator** deems necessary. Any such interviews will not be included in the 25% limit set forth above.

Step 1: Calculate Claimant's Lost Earnings

In determining the claimant's lost earnings for the **Claiming Job**, the **Claims Administrator** shall consider the following factors:

1. **Prior Employment History:** The extent to which the **Claim File** establishes the claimant's pre-DWH Spill employment in the **Claiming Job**, including the type of work performed, wage rate, and amount of time spent working in the **Claiming Job**.
2. **Post-DWH Spill Anticipated Employment:** The extent to which the **Claim File** establishes the claimant's post-DWH Spill expected employment in the **Claiming Job**, including the job description, wage rate, and amount of time claimant was expected to be employed in the **Claiming Job** during the period from April 21 through December 31, 2010,⁴¹ and wages expected to be earned in the **Claiming Job**.
3. **Post-DWH Spill Actual Employment:** The extent to which the **Claim File** establishes the claimant's actual post-DWH Spill employment in the **Claiming Job**, including the job description, wage rate, amount of time claimant actually was employed in the **Claiming Job** during the period from April 21 through December 31, 2010,⁴² and actual earnings in the **Claiming Job** and any other employment during that period.
4. **Lost Earnings And Causation:** The extent to which the **Claim File** establishes (a) a reduction in anticipated employment and earnings in the **Claiming Job** during the period from April 21 through December 31, 2010,⁴³ and (b) the extent to which any such reduction in anticipated employment and earnings was due to or resulting from the DWH Spill.
5. **Continued Employment in 2011:** The extent to which the **Claim File** establishes that the claimant was employed in the **Claiming Job** or a similar job in 2011 and lived within 60 miles of his place of employment.

Based on the **Claims Administrator's** consideration of the totality of the information above, the **Claims Administrator** shall determine the claimant's lost earnings for the period April 21 through December 31, 2010⁴⁴ up to a cap of \$20,000.

⁴¹ For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the **Claims Administrator** shall consider the extent to which the claimant has established his or her expected post-DWH Spill employment in the **Claiming Job** for the period April 21, 2010 through April 20, 2011.

⁴² For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the **Claims Administrator** shall consider the extent to which the claimant has established his or her actual post-DWH Spill employment in the **Claiming Job** for the period April 21, 2010 through April 20, 2011.

⁴³ For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the claimant shall establish the claimant's lost earnings for the period April 21, 2010 through April 20, 2011.

⁴⁴ For claimants whose employer(s) is an entity or Natural Person satisfying the **Primary Seafood Industry** definition, the claimant shall establish the claimant's expected post-DWH Spill employment for the period April 21, 2010 through April 20, 2011.

Step 2: Apply RTP, If Applicable

Only claimants who, in 2011, (1) continued to be employed in a position the same as, or similar to, the **Claiming Job**, and (2) still lived within 60 miles of their place of employment, shall be eligible for an RTP of 1.

If eligible, the claimant's lost earnings shall be multiplied by the RTP.

Step 3: Determine Claimant's Compensation

Deduct any **Spill-Related Payments** from the sum of Steps 1 and 2 to determine claimant's compensation amount.

Claimants under this Category IV shall not be eligible to recover **Reimbursable Search Costs, Reimbursable Training Costs or Employment-Related Benefits Losses**.

The formula for the claimant's compensation is:

- Claimant's lost earnings (not to exceed \$20,000) (from Step 1)
- + (Claimant's lost earnings (not to exceed \$20,000) x RTP (if any)) (from Step 2)
- + **One Time, Non-Recurring Event Compensation:** if applicable, provided, however, that in no event shall this amount exceed: (\$20,000 less Claimant's lost earnings from Step 1)
- **Spill-Related Payments (if applicable) (from Step 3)**
- VoO Settlement Offset and/or VoO Earned Income Offset (if any)

One Time Loss Addendum

A **One Time, Non-Recurring Event** shall be defined as an event or sale that (i) would have occurred in the **Claiming Job** between April 21, 2010 and December 31, 2010, and (ii) had not been included in the **Individual's** income from the **Claiming Job** in 2007, 2008 or 2009, and (iii) was canceled due to or resulting from DWH Spill.

An **Individual** asserting lost earnings due to cancellation of a **One Time, Non-Recurring Event** must provide documentation and establish causation as follows:

Documentation and Causation

The claimant shall provide all of the following:

1. Copy of contract for the **One Time, Non-Recurring Event** scheduled to occur during the period April 21, 2010 and December 31, 2010, and canceled subsequent to April 21, 2010. The contract must indicate the date, time and details of the event.
2. Documentation sufficient to establish the lost earnings, income or profit, to the claimant in respect of the **One Time, Non-Recurring Event**, including but not limited to a **Sworn Written Statement** by the party responsible for canceling the contract for the **One Time, Non-Recurring Event**.
3. Documentation establishing that the lost earnings, income or profit, identified in 2 is (a) for claimants with more than ten sales per year in the **Base Year(s)**, equal to or greater than 10% of the claimant's earnings in the **Base Year(s)** from the **Claiming Job**, or (b) for claimants with fewer than ten sales per year in the **Base Year(s)**, greater than two times the claimant's average commission on all transactions in the **Base Year(s)** from the **Claiming Job**.
4. Documentation sufficient to establish that (a) the cancellation of the **One Time, Non-Recurring Event** was due to or resulting from the DWH Spill, including but not limited to a **Sworn Written Statement** by the party responsible for canceling the contract for the **One Time, Non-Recurring Event**, and (b) the cancellation was a loss to claimant.
5. Documentation establishing that the lost earnings, income or profit, are not duplicative of amounts quantified as **Claimant Lost Earnings** in Step 6 of the **Compensation Calculation** for Categories I, II or III.
6. Itemized commission statements for 2007, 2008 and 2009, if applicable.

Compensation for the One Time, Non-Recurring Event

Compensation for the **One Time, Non-Recurring Event** shall equal the lost earnings for the **One Time, Non-Recurring Event**, and no RTP shall be applicable to the corresponding loss.

EXHIBIT 8B

Introduction to Example Appendices A through F

INDIVIDUAL ECONOMIC LOSS CLAIMS: EXAMPLES

The following Appendices give examples of **Individual Economic Loss Categories I-III**. In each example, the **Compensation Period** selected is the period between April 21, 2010 and December 31, 2010 that produces maximum **Claimant Lost Earnings** for that example. In each example, **Final Claimant Compensation** for claimants who establish causation depends primarily on the following factors:

1. **Components of Lost Earnings:** **Claimant Lost Earnings** is calculated as the sum of two factors: (i) any decrease in earnings during the claimant selected **Compensation Period** compared to the same period(s) in the **Base Year(s)**, and (ii) any expected growth in earnings during the same **Compensation Period** relative to the **Base Year(s)**. Thus, the claimant selected **Compensation Period** is relevant for both factors, and claimants will want to consider both factors in selecting their **Compensation Period**.
2. **Length and Duration Of Economic Loss (Compensation Period):** Each claimant selects a period of loss (or **Compensation Period**) reflecting the period in which the claimant's **Actual Earnings** were less than **Expected Earnings** due to or resulting from the DWH Spill. The **Compensation Period** must consist of at least 90 consecutive days between April 21, 2010 and December 31, 2010, and may extend for the entire period, at the claimant's election. In selecting a **Compensation Period**, claimant should be aware that any period when income (i) fell, (ii) stayed the same, or (iii) demonstrated a percentage increase lower than the applicable **Growth Factor(s)** (percentages), will result in **Actual Earnings** being less than **Expected Earnings**, and therefore a higher level of loss and compensation.
3. **Location and Industry Of Economic Loss:** Claimants incurring economic loss due to or resulting from the DWH Spill may also receive **Risk Transfer Premium (RTP)** compensation based upon the industry and location of their loss. The **RTP** is calculated as a multiple of the claimant's loss during the **Compensation Period**.

Appendix A1

Example of Compensation Calculation: Category I Individual

Category I Individual with Pay Period Earnings Documentation: In this example, the claimant has passed the causation requirements and provides **Tax Information Documents** demonstrating annual earnings, and also provides **Pay Period Earnings Documentation** sufficient to establish monthly/pay period earnings, allowing for the calculation of a **Claimant Specific Growth Factor**. This claimant was a salaried worker at a resort in Zone A who lost his job at the end of September 2010. Because the claimant is a salaried worker, no **Industry Growth Factor** is applicable.

Data Submitted by Claimant

	2009	2010
Annual Earnings per Tax Information Documents	\$ 61,500	\$ 47,250
Pay Period Earnings		
January	\$ 5,000	\$ 5,250
February	\$ 5,000	\$ 5,250
March	\$ 5,000	\$ 5,250
April	\$ 5,000	\$ 5,250
May	\$ 5,000	\$ 5,250
June	\$ 5,000	\$ 5,250
July	\$ 5,250	\$ 5,250
August	\$ 5,250	\$ 5,250
September	\$ 5,250	\$ 5,250
October	\$ 5,250	\$ -
November	\$ 5,250	\$ -
December	\$ 5,250	\$ -
Total Earnings	\$ 61,500	\$ 47,250

Step 1: Claimant Selects Compensation Period & Base Year

Claimant has selected July 1, 2010 through December 31, 2010 as the **Compensation Period**, and chosen 2009 as the **Base Year**.

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

Benchmark Period earnings are the actual earnings during the period of the **Base Year** of the same length and dates corresponding to the **Compensation Period**. Given the selection in Step 1, the **Benchmark Period** earnings equal the earnings between July 1, 2009 and December 31, 2009, and are calculated as follows:

Benchmark Period Earnings (July 1-Dec 31, 2009)

\$ 31,500

Appendix A1

Example of Compensation Calculation: Category I Individual

Step 3: Determine Earnings Growth Factor(s)

The Claimant has provided pay period detail, and a **Claimant Specific Growth Factor** can be calculated using January through April earnings in 2010 and the **Base Year**. **Industry Growth Factor** does not apply (**Benchmark Period** earnings are salaried).

	2009	2010
January - April Earnings	\$ 20,000 [a]	\$ 21,000 [b]
Calculated Claimant Specific Growth Factor		5.0% [c]=([b]-[a])/[a]
5.0% = (\$21,000 - \$20,000)/\$20,000		
[c] = ([b] - [a]) / [a]		
Claimant Specific Growth Factor (max of +10%, min of -1.5%)		5.0% [d]

Step 4: Calculate Expected Earnings

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

Benchmark Period Earnings (from Step 2)	\$ 31,500 [e]
Claimant Specific Growth Rate (if applicable from Step 3)	5.0% = [d]
Industry Growth Factor (if hourly, see Step 3)	n/a [f]
Expected Earnings for the Compensation Period	\$ 33,075 [g]=[e]*(1+[d]+[f])
\$33,075 = \$31,500 x (1 + 0.05 + 0)	
[g] = [e] x (1 + [d] + [f])	

Step 5: Determine Actual Earnings in the Compensation Period

Actual Earnings in the claimant selected **Compensation Period** in this example includes all earnings between the period selected by the Claimant in Step 1, July 1, 2010 through December 31, 2010.

Actual Earnings (July 1-December 31, 2010)	\$ 15,750 [h]
--	---

Step 6: Determine Claimant Lost Earnings

Lost Earnings is the difference between the **Expected Earnings** (Step 4) and the **Actual Earnings** (Step 5) over the **Compensation Period**.

Lost Earnings	\$ 17,325 [i]=[g]-[h]
\$17,325 = \$33,075 - \$15,750	
[i] = [g] - [h]	

Appendix A1

Example of Compensation Calculation: Category I Individual

Step 7: Calculate Final Claimant Compensation

Final Claimant Compensation includes **Lost Earnings** increased by the agreed upon **Risk Transfer Premium** (Zone A Tourism= 2.5), then adjusted for any **Employee-Related Benefits Loss** (assume \$2,000), any **Reimbursable Training & Search Costs** (assume \$500 each for training and search) and any **Spill Related Payments** (assume \$3,000).

Lost Earnings (Step 6)	\$	17,325	= [i]
+ Lost Earnings Multiplied by Other Industries RTP (2.5 in Zone A) = \$17,325 x 2.5	\$	43,313	[j]=[i] x RTP
+ Employment Related Benefits Losses	\$	2,000	Given above.
+ Reimbursable Training Costs	\$	500	Given above.
+ Reimbursable Search Costs	\$	500	Given above.
- Spill Related Payments	\$	(3,000)	Given above.
Final Claimant Compensation	\$	<u>60,638</u>	

Appendix A2

Example of Compensation Calculation: Category I Individual with Bonus

Category I Individual with Pay Period Earnings Documentation: In this example, the claimant has passed the causation requirements and provides **Tax Information Documents** demonstrating annual earnings, and also provides **Pay Period Earnings Documentation** sufficient to establish monthly/pay period earnings, allowing for the calculation of a **Claimant Specific Growth Factor**. This claimant was a salaried worker at a resort in Zone A who lost his job at the end of September 2010. Because the claimant is a salaried worker, no **Industry Growth Factor** is applicable. The claimant's documentation indicated that the claimant received a bonus in March 2009 related to calendar year 2008, and a bonus in March 2010 related to calendar year 2009. Because the claimant lost his job, no bonus was received for calendar year 2010.

Data Submitted by Claimant and Reallocation of Bonus Earnings

	2009 - Bonus Included in Year Paid	2010 - Bonus Included in Year Paid	2009 - No Bonus	2010 - No Bonus	2009 - Bonus Allocated to Year Earned*	2010 - Bonus Allocated to Year Earned**
Regular Pay	\$ 61,500	\$ 47,250	\$ 61,500	\$ 47,250	\$ 61,500	\$ 47,250
Total Bonuses Paid	\$ 5,000	\$ 6,000			\$ 6,000	\$ -
Total Annual Earnings	\$ 66,500	\$ 53,250	\$ 61,500	\$ 47,250	\$ 67,500	\$ 47,250
Pay Period Earnings						
January	\$ 5,000	\$ 5,250	\$ 5,000	\$ 5,250	\$ 5,500	\$ 5,250
February	\$ 5,000	\$ 5,250	\$ 5,000	\$ 5,250	\$ 5,500	\$ 5,250
March	\$ 10,000	\$ 11,250	\$ 5,000	\$ 5,250	\$ 5,500	\$ 5,250
April	\$ 5,000	\$ 5,250	\$ 5,000	\$ 5,250	\$ 5,500	\$ 5,250
May	\$ 5,000	\$ 5,250	\$ 5,000	\$ 5,250	\$ 5,500	\$ 5,250
June	\$ 5,000	\$ 5,250	\$ 5,000	\$ 5,250	\$ 5,500	\$ 5,250
July	\$ 5,250	\$ 5,250	\$ 5,250	\$ 5,250	\$ 5,750	\$ 5,250
August	\$ 5,250	\$ 5,250	\$ 5,250	\$ 5,250	\$ 5,750	\$ 5,250
September	\$ 5,250	\$ 5,250	\$ 5,250	\$ 5,250	\$ 5,750	\$ 5,250
October	\$ 5,250	\$ -	\$ 5,250	\$ -	\$ 5,750	\$ -
November	\$ 5,250	\$ -	\$ 5,250	\$ -	\$ 5,750	\$ -
December	\$ 5,250	\$ -	\$ 5,250	\$ -	\$ 5,750	\$ -
Total Earnings	\$ 66,500	\$ 53,250	\$ 61,500	\$ 47,250	\$ 67,500	\$ 47,250

* \$6,000 bonus received in 2010 relates to 2009 performance and is therefore allocated evenly across the months of 2009.

** No bonus was received for calendar year 2010, so no bonus earnings are allocated to 2010.

Step 1: Claimant Selects Compensation Period & Base Year

Claimant has selected July 1, 2010 through December 31, 2010 as the **Compensation Period**, and chosen 2009 as the **Base Year**.

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

Benchmark Period earnings are the actual earnings during the period of the **Base Year** of the same length and dates corresponding to the **Compensation Period**. Given the selection in Step 1, the **Benchmark Period** earnings equal the earnings between July 1, 2009 and December 31, 2009, and are calculated as follows (inclusive of the allocated bonus):

Benchmark Period Earnings (July 1-Dec 31, 2009)

\$ 34,500

Step 3: Determine Earnings Growth Factor(s)

The Claimant has provided pay period detail, and a **Claimant Specific Growth Factor** can be calculated using January through April earnings in 2010 and the **Base Year** (excluding any bonus amounts). **Industry Growth Factor** does not apply (**Benchmark Period** earnings are salaried).

	<div>2009 - No Bonus</div>	<div>2010 - No Bonus</div>
January - April Earnings	\$ 20,000 [a]	\$ 21,000 [b]
Calculated Claimant Specific Growth Factor	5.0% [c]=([b]-[a])/[a]	
5.0% = (\$21,000 - \$20,000)/\$20,000		
[c] = ([b] - [a]) / [a]		
Claimant Specific Growth Factor (max of +10%, min of -1.5%)	<div>5.0%</div> [d]	

Appendix A2

Example of Compensation Calculation: Category I Individual with Bonus

Step 4: Calculate Expected Earnings

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

Benchmark Period Earnings (from Step 2)	\$ 34,500 [e]
Claimant Specific Growth Rate (if applicable from Step 3)	5.0% = [d]
Industry Growth Factor (if hourly, see Step 3)	n/a [f]
Expected Earnings for the Compensation Period	\$ 36,225 [g]=[e]*(1+[d]+[f])
$\$36,225 = \$34,500 \times (1 + 0.05 + 0)$ $[g] = [e] \times (1 + [d] + [f])$	

Step 5: Determine Actual Earnings in the Compensation Period

Actual Earnings in the claimant selected **Compensation Period** in this example includes all earnings between the period selected by the Claimant in Step 1, July 1, 2010 through December 31, 2010.

Actual Earnings (July 1-December 31, 2010)	\$ 15,750 [h]
--	----------------------

Step 6: Determine Claimant Lost Earnings

Lost Earnings is the difference between the **Expected Earnings** (Step 4) and the **Actual Earnings** (Step 5) over the **Compensation Period**.

Lost Earnings	\$ 20,475 [i]=[g]-[h]
$\$20,475 = \$36,225 - \$15,750$ $[i] = [g] - [h]$	

Step 7: Calculate Final Claimant Compensation

Final Claimant Compensation includes **Lost Earnings** increased by the agreed upon **Risk Transfer Premium** (Zone A Tourism= 2.5), then adjusted for any **Employee-Related Benefits Loss** (assume \$2,000), any **Reimbursable Training & Search Costs** (assume \$500 each for training and search) and any **Spill Related Payments** (assume \$3,000).

Lost Earnings (Step 6)	\$ 20,475 = [i]
+ Lost Earnings Multiplied by Other Industries RTP (2.5 in Zone A)	\$ 51,188 [j]=[i] x RTP
= \$20,475 x 2.5	
+ Employment Related Benefits Losses	\$ 2,000 Given above.
+ Reimbursable Training Costs	\$ 500 Given above.
+ Reimbursable Search Costs	\$ 500 Given above.
- Spill Related Payments	\$ (3,000) Given above.
Final Claimant Compensation	\$ 71,663

Appendix A3

Example of Compensation Calculation: Category I Individual with Commissions

Category I Individual with Pay Period Earnings Documentation: In this example, the claimant has passed the causation requirements and provides **Tax Information Documents** demonstrating annual earnings, and also provides **Pay Period Earnings Documentation** sufficient to establish monthly/pay period earnings, allowing for the calculation of a **Claimant Specific Growth Factor**. This claimant was a worker at a resort in Zone A who received a salary plus quarterly commissions, and who lost his job at the end of September 2010. Because the claimant is a salaried worker, no **Industry Growth Factor** is applicable.

Data Submitted by Claimant and Reallocation of Commission Earnings

	2009 - Commission Included as Paid	2010 - Commission Included as Paid		2009 - Commission Allocated to Period Earned*	2010 - Commission Allocated to Period Earned*
Regular Pay	\$ 61,500	\$ 47,250	Regular Pay	\$ 61,500	\$ 47,250
Commission Paid in:			Commission Related to:		
January	\$ 1,000	\$ 1,250	January-March	\$ 1,250	\$ 1,500
April	\$ 1,250	\$ 1,500	April-June	\$ 1,250	\$ 1,500
July	\$ 1,250	\$ 1,500	July-October	\$ 1,250	\$ -
October	\$ 1,250	\$ -	October-December	\$ 1,250	\$ -
Total Commissions*	\$ 4,750	\$ 4,250	Total Commissions*	\$ 5,000	\$ 3,000
Total Annual Earnings	\$ 66,250	\$ 51,500		\$ 66,500	\$ 50,250
Pay Period Earnings					
January	\$ 6,000	\$ 6,500	--Growth Rate--	\$ 5,417	\$ 5,750
February	\$ 5,000	\$ 5,250		\$ 5,417	\$ 5,750
March	\$ 5,000	\$ 5,250		\$ 5,417	\$ 5,750
April	\$ 6,250	\$ 6,750		\$ 5,417	\$ 5,750
May	\$ 5,000	\$ 5,250	---Benchmark Period---	\$ 5,417	\$ 5,750
June	\$ 5,000	\$ 5,250		\$ 5,417	\$ 5,750
July	\$ 6,500	\$ 6,750		\$ 5,667	\$ 5,250
August	\$ 5,250	\$ 5,250		\$ 5,667	\$ 5,250
September	\$ 5,250	\$ 5,250		\$ 5,667	\$ 5,250
October	\$ 6,500	\$ -		\$ 5,667	\$ -
November	\$ 5,250	\$ -		\$ 5,667	\$ -
December	\$ 5,250	\$ -		\$ 5,667	\$ -
Total Earnings	\$ 66,250	\$ 51,500		\$ 66,500	\$ 50,250

* Commissions were paid quarterly. Commissions paid in 2009 were \$1,250 each. The commission paid in January related to October-December 2008, the commission paid in April 2009 related to January-March 2009, the commission paid in July 2009 related to April-June 2009, and the commission paid in October 2009 related to July through September 2009. Commissions paid in 2010 were also \$1,500 each. The commission paid in January 2010 related to October-December 2009, the commission paid in April 2010 related to January-March 2010, and the commission paid in July 2010 related to April-June 2010. The claimant was terminated in September 2010 and did not receive any additional commissions.

Step 1: Claimant Selects Compensation Period & Base Year

Claimant has selected July 1, 2010 through December 31, 2010 as the **Compensation Period**, and chosen 2009 as the **Base Year**.

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

Benchmark Period earnings are the actual earnings during the period of the **Base Year** of the same length and dates corresponding to the **Compensation Period**. Given the selection in Step 1, the **Benchmark Period** earnings equal the earnings between July 1, 2009 and December 31, 2009, and are calculated as follows (inclusive of the allocated commissions):

Benchmark Period Earnings (July 1-Dec 31, 2009)

\$ 34,000

Appendix A3

Example of Compensation Calculation: Category I Individual with Commissions

Step 3: Determine Earnings Growth Factor(s)

The Claimant has provided pay period detail, and a **Claimant Specific Growth Factor** can be calculated using January through April earnings in 2010 and the **Base Year** (including commissions). **Industry Growth Factor** does not apply (**Benchmark Period** earnings are salaried).

	2009 - Commission Allocated to Period Earned*	2010 - Commission Allocated to Period Earned*
January - April Earnings	\$ 21,667 [a]	\$ 23,000 [b]
Calculated Claimant Specific Growth Factor		6.2% [c]=([b]-[a])/[a]
6.2% = (\$23,000 - \$21,667)/\$23,000		
[c] = ([b] - [a]) / [a]		
Claimant Specific Growth Factor (max of +10%, min of -1.5%)		6.2% [d]

Step 4: Calculate Expected Earnings

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

Benchmark Period Earnings (from Step 2)	\$ 34,000 [e]
Claimant Specific Growth Rate (if applicable from Step 3)	6.2% = [d]
Industry Growth Factor (if hourly, see Step 3)	n/a [f]
Expected Earnings for the Compensation Period	\$ 36,108 [g]=[e]*(1+[d]+[f])
\$36,092 = \$34,000 x (1 + 0.062 + 0)	
[g] = [e] x (1 + [d] + [f])	

Step 5: Determine Actual Earnings in the Compensation Period

Actual Earnings in the claimant selected **Compensation Period** in this example includes all earnings between the period selected by the Claimant in Step 1, July 1, 2010 through December 31, 2010.

Actual Earnings (July 1-December 31, 2010)	\$ 15,750 [h]
--	---------------

Step 6: Determine Claimant Lost Earnings

Lost Earnings is the difference between the **Expected Earnings** (Step 4) and the **Actual Earnings** (Step 5) over the **Compensation Period**.

Lost Earnings	\$ 20,358 [i]=[g]-[h]
\$20,342 = \$36,092 - \$15,750	
[i] = [g] - [h]	

Step 7: Calculate Final Claimant Compensation

Final Claimant Compensation includes **Lost Earnings** increased by the agreed upon **Risk Transfer Premium** (Zone A Tourism= 2.5), then adjusted for any **Employee-Related Benefits Loss** (assume \$2,000), any **Reimbursable Training & Search Costs** (assume \$500 each for training and search) and any **Spill Related Payments** (assume \$3,000).

Lost Earnings (Step 6)	\$ 20,358 = [i]
+ Lost Earnings Multiplied by Other Industries RTP (2.5 in Zone A)	\$ 50,895 [j]=[i] x RTP
= \$20,342 x 2.5	
+ Employment Related Benefits Losses	\$ 2,000 Given above.
+ Reimbursable Training Costs	\$ 500 Given above.
+ Reimbursable Search Costs	\$ 500 Given above.
- Spill Related Payments	\$ (3,000) Given above.
Final Claimant Compensation	\$ 71,253

Appendix B

Example of Compensation Calculation: Category I Individual (Salaried)

Category I Individual with Pay Period Earnings Documentation: In this example, the claimant has passed the causation requirements and provides **Tax Information Documents** demonstrating annual earnings, and also provides **Pay Period Earnings Documentation** sufficient to establish pay period earnings, allowing for the calculation of a **Claimant Specific Growth Factor**. This claimant was a salaried worker at a manufacturing facility in Zone A paid monthly in 2009 who changed jobs and began being compensated using an hourly wage for which he was paid twice monthly. Because the claimant was a salaried worker in the **Benchmark Period**, no **Industry Growth Factor** is applicable.

Data Submitted by Claimant

	2009	2010
Annual Earnings per Tax Information Documents	\$ 61,500	\$ 45,950
Pay Period Earnings (Period Ending...)		
January 15	-	\$ 2,600
January 31	\$ 5,000	\$ 2,650
February 15	-	\$ 2,550
February 28	\$ 5,000	\$ 2,300
March 15	-	\$ 2,350
March 31	\$ 5,000	\$ 2,550
April 15	-	\$ 2,600
April 30	\$ 5,000	\$ 2,700
May 15	-	\$ 2,800
May 31	\$ 5,000	\$ 2,850
June 15	-	\$ 2,900
June 30	\$ 5,000	\$ 1,750
July 15	-	\$ 1,400
July 31	\$ 5,250	\$ 1,300
August 15	-	\$ 1,200
August 31	\$ 5,250	\$ 1,100
September 15	-	\$ 1,200
September 30	\$ 5,250	\$ 1,240
October 15	-	\$ 1,320
October 31	\$ 5,250	\$ 1,340
November 15	-	\$ 1,250
November 30	\$ 5,250	\$ 1,200
December 15	-	\$ 1,300
December 31	\$ 5,250	\$ 1,500
Total Earnings	\$ 61,500	\$ 45,950

Step 1: Claimant Selects Compensation Period & Base Year

Claimant has selected June 15, 2010 through December 31, 2010 as the **Compensation Period**, and chosen 2009 as the **Base Year**.

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

Benchmark Period earnings are the actual earnings during the period of the **Base Year** of the same length and dates as in the **Compensation Period**. Given the selection in Step 1, the **Benchmark Period** earnings equal the earnings between June 15, 2009 and December 31, 2009, and are calculated as follows:

Earnings June 15-July 1, 2009	\$ 2,500	(=\$5,000 x 0.5 months)
Earnings July 1-December 31, 2009	\$ 31,500	(=\$5,250 x 6 months)
Total Benchmark Period Earnings	\$ 34,000	

Step 3: Determine Earnings Growth Factor(s)

Appendix B

Example of Compensation Calculation: Category I Individual (Salaried)

The Claimant has provided pay period detail, and a **Claimant Specific Factor** can be calculated using January through April earnings in 2010 and the **Base Year**. **Industry Growth Factor** does not apply as Benchmark Period earnings are salaried.

	2009	2010
January - April Earnings	\$ 20,000 [a]	\$ 20,300 [b]
Calculated Claimant Specific Growth Factor		1.5% [c] = ([b] - [a]) / [a]
1.5% = (\$20,300 - \$20,000) / \$20,000		
[c] = ([b] - [a]) / [a]		
Selected Claimant Specific Growth Factor (max of +10%, min of -1.5%)		1.5% [d]

Step 4: Calculate Expected Earnings

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

Benchmark Period Earnings (from Step 2)	\$ 34,000 [e]
Claimant Specific Growth Rate (if applicable from Step 3)	1.5% = [d]
Industry Growth Factor (if hourly, see Step 3)	n/a [f]
Expected Earnings for the Compensation Period	\$ 34,510 [g] = [e] * (1 + [d] + [f])
\$34,510 = \$34,000 x (1 + 0.015 + 0)	
[g] = [e] x (1 + [d] + [f])	

Step 5: Determine Actual Earnings in the Compensation Period

Actual Earnings in the claimant selected **Compensation Period** in this example includes all earnings in the 2010 period selected by the Claimant in Step 1, June 15, 2010 through December 31, 2010.

Actual Earnings (June 15-December 31, 2010)	\$ 17,100 [h]
---	---------------

Step 6: Determine Claimant Lost Earnings

Lost Earnings is the difference between the **Expected Earnings** (Step 4) and the **Actual Earnings** (Step 5) over the **Compensation Period**.

Lost Earnings (Step 4: Expected Earnings - Step 5: Actual Earnings)	\$ 17,410 [i] = [g] - [h]
\$17,410 = \$34,510 - \$17,100	
[i] = [g] - [h]	

Appendix B

Example of Compensation Calculation: Category I Individual (Salaried)

Step 7: Calculate Final Claimant Compensation

Final Claimant Compensation includes **Lost Earnings** increased by the agreed upon **Risk Transfer Premium** (Zone A Other Industries= 1.5), then adjusted for any **Employment-Related Benefits Losses** (assume \$2,000), any **Reimbursable Training & Search Costs** (assume none) and any **Spill Related Payments** (assume \$3,000).

Lost Earnings (Step 6)	\$	17,410	[i]
+ Lost Earnings Multiplied by Other Industries RTP (1.5 in Zone A)	\$	26,115	[j]=[i] x RTP
+ Employment Related Benefits Losses	\$	2,000	Given above.
+ Reimbursable Training Costs	\$	-	Given above.
+ Reimbursable Search Costs	\$	-	Given above.
- Spill Related Payments	\$	(3,000)	Given above.
Final Claimant Compensation	\$	<u>42,525</u>	

Appendix C1

**Example of Compensation Calculation:
Category I Individual (Multiple Hourly Claiming Jobs)**

Category I Individual with Pay Period Earnings Documentation: In this example, the claimant has passed the causation requirements and provides **Tax Information Documents** demonstrating annual earnings, and also provides **Pay Period Earnings Documentation** sufficient to establish pay period earnings, allowing for the calculation of a **Claimant Specific Growth Factor**. This claimant was an hourly worker with two **Claiming Jobs**: one Zone B construction job (Job 1) which paid monthly and one Zone B restaurant job which paid twice monthly (Job 2). Because the claimant is an hourly wage worker, an **Industry Growth Factor** is applicable.

Data Submitted by Claimant

	2009-Job 1		2009-Job 2		2010-Job 1		2010-Job 2	
Annual Earnings per Tax Info Docs	\$	28,800	\$	17,720	\$	24,600	\$	15,320
Pay Period Earnings (Period Ending...)								
January 15		-	\$	800		-	\$	820
January 31	\$	2,300	\$	760	\$	2,400	\$	780
February 15		-	\$	680		-	\$	660
February 28	\$	2,350	\$	660	\$	2,450	\$	700
March 15		-	\$	640		-	\$	740
March 31	\$	2,130	\$	700	\$	2,600	\$	800
April 15		-	\$	710		-	\$	860
April 30	\$	2,220	\$	730	\$	2,300	\$	860
May 15		-	\$	720		-	\$	740
May 31	\$	2,450	\$	800	\$	2,200	\$	640
June 15		-	\$	820		-	\$	600
June 30	\$	2,500	\$	800	\$	1,950	\$	540
July 15		-	\$	840		-	\$	560
July 31	\$	2,650	\$	880	\$	1,800	\$	600
August 15		-	\$	780		-	\$	560
August 31	\$	2,700	\$	770	\$	1,800	\$	600
September 15		-	\$	810		-	\$	620
September 30	\$	2,250	\$	680	\$	1,740	\$	540
October 15		-	\$	660		-	\$	520
October 31	\$	2,350	\$	640	\$	1,660	\$	480
November 15		-	\$	660		-	\$	400
November 30	\$	2,400	\$	700	\$	1,800	\$	560
December 15		-	\$	680		-	\$	500
December 31	\$	2,500	\$	800	\$	1,900	\$	640
Total Earnings								
	\$	28,800	\$	17,720	\$	24,600	\$	15,320

Step 1: Claimant Selects Compensation Period & Base Year

Claimant has selected May 15, 2010 through December 31, 2010 as the **Compensation Period**, and chosen 2009 as the **Base Year**.

Appendix C1

**Example of Compensation Calculation:
Category I Individual (Multiple Hourly Claiming Jobs)**

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

Benchmark Period earnings are the actual earnings during the period of the **Base Year** of the same length and dates corresponding to the **Compensation Period**. Given the selection in Step 1, the **Benchmark Period** earnings equal the earnings between May 15, 2009 and December 31, 2009, and are calculated as follows:

	Job 1	Job 2
Earnings May 15-June 1, 2009	\$ 1,225	\$ 800 (Job 1=\$2,450 x 50%)
Earnings June 1-December 31, 2009	\$ 17,350	\$ 10,520
Total Benchmark Period Earnings	\$ 18,575	\$ 11,320

Step 3: Determine Earnings Growth Factor(s)

The Claimant has provided **Pay Period Earnings Documentation**, and a **Claimant Specific Growth Factor** can be calculated using January through April earnings in 2010 and the **Base Year**. **Industry Growth Factor** (1.5%) applies as **Benchmark Period** earnings are paid hourly.

	2009-Job 1	2009-Job 2		2010-Job 1	2010-Job 2
January - April Earnings	\$ 9,000	\$ 5,680 [a]		\$ 9,750	\$ 6,220 [b]
Calculated Claimant Specific Growth Factor				8.3%	9.5% [c]=([b]-[a])/[a]
8.3% = (\$9,750 - \$9,000)/\$9,000					
9.5% = (\$6,220 - \$5,680)/\$5,680					
[c] = ([b] - [a]) / [a]					
Claimant Specific Growth Factor (max of +10%, min of -1.5%)				8.3%	9.5% [d]

Step 4: Calculate Expected Earnings

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

	2010-Job 1	2010-Job 2
Benchmark Period Earnings (from Step 2)	\$ 18,575	\$ 11,320 [e]
Claimant Specific Growth Rate (if applicable from Step 3)	8.3%	9.5% = [d]
Industry Growth Factor (if hourly, see Step 3)	1.5%	1.5% [f]
Expected Earnings for the Compensation Period	\$ 20,402	\$ 12,566 [g]=[e]*(1+[d]+[f])
\$20,402 = \$18,575 x (1 + 0.083 + 0.015)		
\$12,566 = \$11,320 x (1 + 0.095 + 0.015)		
[g] = [e] x (1 + [d] + [f])		

Appendix C1

**Example of Compensation Calculation:
Category I Individual (Multiple Hourly Claiming Jobs)**

Step 5: Determine Actual Earnings in the Compensation Period

Actual Earnings in the claimant selected **Compensation Period** in this example includes all earnings between the period selected by the Claimant in Step 1, May 15, 2010 through December 31, 2010.

Actual Earnings (May 15-December 31, 2010)

\$	13,750	\$	8,360	[h]
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Step 6: Determine Claimant Lost Earnings

Lost Earnings is the difference between the **Expected Earnings** (Step 4) and the **Actual Earnings** (Step 5) over the **Compensation Period**.

Lost Earnings

$$\$6,652 = \$20,402 - \$13,750$$

$$\$4,206 = \$12,566 - \$8,360$$

$$[i] = [g] - [h]$$

	Job 1	Job 2	
\$	6,652	\$	4,206

[i]=[g]-[h]

Step 7: Calculate Final Claimant Compensation

Final Claimant Compensation includes **Lost Earnings** increased by the agreed upon **Risk Transfer Premium** (RTP Job 1= 1.25; Job 2= 2.5), then adjusted for any **Employee-Related Benefits Loss** (assume \$2,000 for Job 1), any **Reimbursable Training & Search Costs** (assume \$500 for each training and search) and any **Spill Related Payments** (assume \$3,000).

Lost Earnings (Step 6)
+ Lost Earnings Multiplied by RTP (Job 1= 1.25; Job 2= 2.5)
+ Employment Related Benefits Losses

	Job 1	Job 2	
\$	6,652	\$	4,206
\$	8,314	\$	10,515
\$	2,000	\$	-
\$	16,966	\$	14,721

[i]

[j]=[i] x RTP

[k]

[l]=[i]+[j]+[k]

Total Claimant Lost Earnings
+ Reimbursable Training Costs
+ Reimbursable Search Costs
- Spill Related Payments

\$	31,687	Total of [l]
\$	500	Given above.
\$	500	Given above.
\$	(3,000)	Given above.

Final Claimant Compensation

\$ 29,687

Appendix C2

Example of Compensation Calculation:
Category I Individual (Hourly Claiming Job and Multiple Sources of Compensation Period Income)

Category I Individual with Pay Period Earnings Documentation: In this example, the claimant has passed the causation requirements, provided **Tax Information Documents** demonstrating annual earnings, and also provided **Pay Period Earnings Documentation** sufficient to establish pay period earnings (allowing for the calculation of a **Claimant Specific Growth Factor**). This claimant is an hourly worker with one job meeting causation, a Zone B construction job (Job 1) which paid monthly. After the DWH Spill, the claimant found a second hourly job at a restaurant in Zone C which also pays monthly (Job 2). Because the claimant is an hourly wage worker, an **Industry Growth Factor** is applicable. To the extent the claimant found new work to replace any hours lost due to or resulting from the DWH Spill, compensation for those replaced hours are included in **Actual Earnings**.

Data Submitted by Claimant

Annual Earnings per Tax Info Docs	2009 - Job 1			2010 - Job 1			2010 - Job 2		
	\$ 8,920			\$ 8,370			\$ 525		
Pay Period Earnings (Period Ending...)	<i>Hourly</i>		<i>Total</i>	<i>Hourly</i>		<i>Total</i>	<i>Hourly</i>		<i>Total</i>
	<i>Hrs</i>	<i>Rate</i>	<i>Pay</i>	<i>Hrs</i>	<i>Rate</i>	<i>Pay</i>	<i>Hrs</i>	<i>Rate</i>	<i>Pay</i>
January 31	76	\$ 10	\$ 760	80	\$ 10	\$ 800	-		\$ -
February 28	66	\$ 10	\$ 660	72	\$ 10	\$ 720	-		\$ -
March 31	70	\$ 10	\$ 700	74	\$ 10	\$ 740	-		\$ -
April 30	73	\$ 10	\$ 730	76	\$ 10	\$ 760	-		\$ -
May 31	80	\$ 10	\$ 800	70	\$ 10	\$ 700	10	\$ 5	\$ 50
June 30	80	\$ 10	\$ 800	60	\$ 10	\$ 600	25	\$ 5	\$ 125
July 31	88	\$ 10	\$ 880	75	\$ 10	\$ 750	20	\$ 5	\$ 100
August 31	77	\$ 10	\$ 770	66	\$ 10	\$ 660	15	\$ 5	\$ 75
September 30	68	\$ 10	\$ 680	54	\$ 10	\$ 540	15	\$ 5	\$ 75
October 31	64	\$ 10	\$ 640	60	\$ 10	\$ 600	20	\$ 5	\$ 100
November 30	70	\$ 10	\$ 700	70	\$ 10	\$ 700	-		\$ -
December 31	80	\$ 10	\$ 800	80	\$ 10	\$ 800	-		\$ -
Total Earnings & Hours	892		\$ 8,920	837		\$ 8,370	105		\$ 525

Step 1: Claimant Selects Compensation Period & Base Year

Claimant has selected May 1, 2010 through December 31, 2010 as the **Compensation Period**, and chosen 2009 as the **Base Year**.

Step 2: Determine Benchmark Period Earnings and Hours Corresponding to the Compensation Period

Benchmark Period earnings are the actual earnings during the period of the **Base Year** of the same length and dates corresponding to the **Compensation Period**. Given the selection in Step 1, the **Benchmark Period** earnings equal the earnings between May 1, 2009 and December 31, 2009, and are calculated as follows:

Benchmark Period Earnings (May 1 - Dec. 31, 2009)	Job 1	
	<i>Hrs</i>	<i>Earnings</i>
	607 [a]	\$ 6,070 [b]

Step 3: Determine Earnings Growth Factor(s)

The Claimant has provided **Pay Period Earnings Documentation**, and a **Claimant Specific Growth Factor** can be calculated using January through April earnings in 2010 and the **Base Year**. **Industry Growth Factor** (1.5%) applies as **Benchmark Period** earnings are paid hourly.

	<u>2009 - Job 1</u>		<u>2010 - Job 1</u>
January - April Earnings	\$ 2,850	[c]	\$ 3,020 [d]
Calculated Claimant Specific Growth Factor			6.0% [e] $((d)-[c])/[c]$
$6.0\% = (\$3,020 - \$2,850)/\$2,850$			
$[e] = ([d] - [c]) / [c]$			
Claimant Specific Growth Factor (max of +10%, min of -1.5%)			6.0% [f]

Step 4: Calculate Expected Earnings

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

	<u>Job 1</u>
Benchmark Period Earnings (see Step 2)	\$ 6,070 [b]
Claimant Specific Growth Rate (if applicable from Step 3)	6.0% [f]
Industry Growth Factor (if hourly, see Step 3)	1.5% [g]
Expected Earnings for the Compensation Period	\$ 6,523 [h] $[b] \times (1 + [f] + [g])$
$\$6,523 = \$6,070 \times (1 + 0.06 + 0.015)$	
$[h] = [b] \times (1 + [f] + [g])$	

Step 5: Determine Actual Earnings in the Compensation Period

Actual Earnings in the claimant selected **Compensation Period** in this example includes all earnings between the period selected by the Claimant in Step 1, May 1, 2010 through December 31, 2010. Earnings from Job 2 are only included to the extent they replace hours from Job 1.

Actual Earnings - Job 1 (May 1 - December 31, 2010)	\$ 5,350 [i]
<u>Actual Earnings - Job 2 (May 1 - October 31, 2010)</u>	
Hours Worked in Benchmark Period - Job 1 (May 1-Dec. 31, 2009)	607
Hours Worked in Compensation Period - Job 1 (May 1-Dec. 31, 2010)	<u>535</u>
Decreased Hours In Claiming Job	72 [j]
Hours Worked in Compensation Period - Job 2 (May 1-Dec. 31, 2010)	105
Hours Worked in Benchmark Period - Job 2 (May 1-Dec. 31, 2009)	<u>-</u>
Increased Hours Worked	105 [k]
Redirected Hours (lesser of [j] and [k])	72 [l]
Average Compensation Period Wage Rate in the non-Claiming Job	\$ 5.00 [m]
(= <i>Total Compensation Period Earnings/Total Compensation Period Hours</i> = $\$525/105$)	
Job 2 Actual Earnings to Include	<u>\$ 360</u> [n] $[l] \times [m]$
$\$360 = 72 \times \5.00	
$[n] = [l] \times [m]$	
Total Actual Earnings	\$ 5,710 [o] $[i] + [n]$
$\$5,710 = \$5,350 + \$360$	
$[o] = [i] + [n]$	

Step 6: Determine Claimant Lost Earnings

Claimant Lost Earnings is the difference between the Expected Earnings (Step 4) and the Actual Earnings (Step 5) over the Compensation Period.

Lost Earnings

\$ 813 [p] [h]-[o]

$$\$813 = \$6,523 - \$5,710$$

$$[p] = [h] - [o]$$

Step 7: Calculate Final Claimant Compensation

Final Claimant Compensation includes Lost Earnings increased by the agreed upon Risk Transfer Premium (RTP Job 1= 1.25), then adjusted for any Employee-Related Benefits Loss (assume \$2,000 for Job 1), any Reimbursable Training & Search Costs (assume \$500 for each training and search) and any Spill Related Payments (assume \$1,000).

Lost Earnings (Step 6)

\$ 813 [l]

+ Lost Earnings Multiplied by RTP (Job 1= 1.25)

\$ 1,016 [j] [l] x RTP

+ Employment Related Benefits Losses

\$ 2,000 [k]

\$ 3,830 [l] [l]+[j]+[k]

Total Claimant Lost Earnings

\$ 3,830 Total of [l]

+ Reimbursable Training Costs

\$ 500 Given above.

+ Reimbursable Search Costs

\$ 500 Given above.

- Spill Related Payments

\$ (1,000) Given above.

Final Claimant Compensation

\$ 3,830

Appendix D

Example of Compensation Calculation: Category II Individual

Category II Individual with detailed Pay Period Earnings Documentation: In this example, the claimant has passed the causation requirements but provided incomplete **Pay Period Earnings Documentation** insufficient to calculate a **Claimant Specific Growth Factor**. This claimant is an hourly worker at a factory in Zone C in both periods, and an **Industry Growth Factor** is therefore applicable. Because the Claimant is missing information for certain pay periods in the **Base Year** and has not provided total annual earnings for the **Base Year**, the **Compensation Period** and **Benchmark Period** may not include those pay periods. If the claimant provided total annual earnings for the **Base Year** (2009), the earnings for April 30th and August 15th could be derived from the annual data by subtracting the sum of the **Pay Period Earnings Documentation** data provided from total annual earnings. If appropriate, the claimant could then have considered alternative **Compensation Periods** that included the April 30th and August 15th pay periods.

Data Submitted by Claimant

	2009	2010
Annual Earnings per Tax Information Documents	Not Given	Not Given
Pay Period Earnings (Period Ending...)		
January 15	\$ 2,200	\$ 2,250
January 31	\$ 2,250	\$ 2,300
February 15	\$ 2,200	\$ 2,200
February 28	\$ 2,100	\$ 2,150
March 15	\$ 2,200	\$ 2,200
March 31	\$ 2,300	\$ 2,400
April 15	\$ 2,300	\$ 2,250
April 30	Not Given	\$ 2,500
May 15	\$ 2,500	\$ 1,750
May 31	\$ 2,525	\$ 1,400
June 15	\$ 2,600	\$ 1,300
June 30	\$ 2,500	\$ 1,200
July 15	\$ 2,650	\$ 1,100
July 31	\$ 2,725	\$ 1,200
August 15	Not Given	\$ 1,240
August 31	\$ 2,550	\$ 1,320
September 15	\$ 2,500	\$ 1,340
September 30	\$ 2,400	\$ 1,250
October 15	\$ 2,300	\$ 1,200
October 31	\$ 2,325	\$ 1,300
Total Pay Period Earnings Provided	\$ 43,125	\$ 33,850

Appendix D

Example of Compensation Calculation: Category II Individual

Step 1: Claimant Selects Compensation Period & Base Year

Claimant has selected May 1, 2010 through July 31, 2010 as the **Compensation Period**, and has chosen 2009 as the **Base Year**.

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

Benchmark Period earnings are the actual earnings during the period of the **Base Year** of the same length and dates corresponding to the **Compensation Period**. Given the selection in Step 1, the **Benchmark Period** earnings equal the earnings between May 1, 2009 and July 31, 2009, and are calculated as follows:

Earnings May 1-July 31, 2009 \$ 15,500

Step 3: Determine Earnings Growth Factor(s)

The claimant has provided pay period detail, but insufficient to calculate a **Claimant Specific Growth Factor** due to the missing periods and the absence of annual earnings documentation. The **General Growth Factor** (2%) will therefore apply, and an **Industry Growth Factor** (1.5%) will apply because the claimant is an hourly worker.

	<u>2009</u>		<u>2010</u>	
January - April Earnings	N/A	[a]	N/A	[b]
Calculated Claimant Specific Growth Factor			N/A	[c]=([b]-[a])/[a]
General Growth Factor			2.0%	[d]

Step 4: Calculate Expected Earnings

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

Benchmark Period Earnings (from Step 2)	\$ 15,500	[e]
General Growth Rate (if applicable from Step 3)	2.0%	[d]
Industry Growth Factor (if hourly, see Step 3)	1.5%	[f]
Expected Earnings for the Compensation Period	\$ 16,043	[g]=[e]*(1+[d]+[f])
$\$16,043 = \$15,500 \times (1 + 0.02 + 0.015)$ $[g] = [e] \times (1 + [d] + [f])$		

Appendix D

Example of Compensation Calculation: Category II Individual

Step 5: Determine Actual Earnings in the Compensation Period

Actual Earnings in the claimant selected **Compensation Period** in this example includes all earnings between the **Compensation Period** selected by the claimant in Step 1, May 1, 2010 through July 31, 2010.

Actual Earnings (May 1-July 31, 2010)

\$ 7,950 [h]

Step 6: Determine Claimant Lost Earnings

Lost Earnings is the difference between the **Expected Earnings** (Step 4) and the **Actual Earnings** (Step 5) over the **Compensation Period**.

Lost Earnings

\$ 8,093 [i]=[g]-[h]

$$\$8,093 = \$16,043 - \$7,950$$

$$[i] = [g] - [h]$$

Step 7: Calculate Final Claimant Compensation

Final Claimant Compensation includes **Lost Earnings** increased by the agreed upon **Risk Transfer Premium** (Zone C Other Industries= 0.25), then adjusted for any **Employee-Related Benefits Loss** (assume \$2,000), any **Reimbursable Training & Search Costs** (assume \$500 each for training and search) and any **Spill Related Payments** (assume \$3,000).

Lost Earnings (Step 6)	\$ 8,093	[i]
+ Lost Earnings Multiplied by Other Industries RTP (0.25 in Zone C)	\$ 2,023	[j]=[i] x RTP
+ Employment Related Benefits Losses	\$ 2,000	Given above.
+ Reimbursable Training Costs	\$ 500	Given above.
+ Reimbursable Search Costs	\$ 500	Given above.
- Spill Related Payments	\$ (3,000)	Given above.
Final Claimant Compensation	<u>\$ 10,116</u>	

Appendix E

**Example of Compensation Calculation:
Category III Individual - New Entrant to Employment**

Category III Individual - New Entrant to Employment: In this example, the claimant has passed the causation requirements and accepted, as of April 20, 2010, a first-time offer of employment in Zone A in the Tourism category that was rescinded due to or resulting from the DWH Spill. The claimant procures employment in January 2011 and provides information sufficient to establish monthly pay period earnings. This claimant is considered a **New Entrant to Employment** and 2011 earnings adjusted downward by the **General Growth Factor** will be used in lieu of **Benchmark Period** earnings. Because the claimant is a salaried worker, no **Industry Growth Factor** is applicable.

Data Submitted by Claimant

	2010	2011
Annual Earnings per Tax Information Documents	\$ -	\$ 55,200
Pay Period Earnings		
January	\$ -	\$ 4,600
February	\$ -	\$ 4,600
March	\$ -	\$ 4,600
April	\$ -	\$ 4,600
May	\$ -	\$ 4,600
June	\$ -	\$ 4,600
July	\$ -	\$ 4,600
August	\$ -	\$ 4,600
September	\$ -	\$ 4,600
October	\$ -	\$ 4,600
November	\$ -	\$ 4,600
December	\$ -	\$ 4,600
Total Earnings	\$ -	\$ 55,200

Step 1: Claimant Selects Compensation Period & Base Year

Claimant has selected May 1, 2010 through December 31, 2010 as the **Compensation Period**, and 2011 is the **Base Year** as claimant is a **New Entrant to Employment**.

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

Benchmark Period earnings are the actual earnings during the period of the **Base Year** of the same length and dates corresponding to the **Compensation Period**. Given the selection in Step 1, the **Benchmark Period** earnings equal the earnings between May 1, 2011 and December 31, 2011, and is calculated as follows:

Earnings May 1-December 31, 2011 \$ 36,800 [a]

Appendix E

**Example of Compensation Calculation:
Category III Individual - New Entrant to Employment**

Step 3: Determine Earnings Growth Factor(s)

Because the claimant is a **New Entrant to Employment**, **Benchmark Period** earnings are discounted back to 2010 using agreed upon **Growth Factors**. The General Growth Rate of 2.0% is applied, but since claimant is a salaried worker no **Industry Growth Factor** is applied.

Step 4: Calculate Expected Earnings

Expected Earnings equals **Benchmark Period** earnings (calculated in Step 2) decreased back to 2010 levels using the applicable **Growth Factors** (from Step 3).

Benchmark Period Earnings (from Step 2)	\$	36,800	= [a]
Reduce 2011 Earnings by General Growth Factor (from Step 3)		-2.0%	[b]
Reduce 2011 Earnings by Industry Growth Factor (from Step 3)		n/a	[c]
Expected Earnings for the Compensation Period	\$	36,064	[d]=[a]*(1+[b]+[c])
$\$36,064 = \$36,800 \times (1 - 0.02 + 0)$			
$[d] = [a] \times (1 + [b] + [c])$			

Step 5: Determine Actual Earnings in the Compensation Period

Actual Earnings in the claimant selected **Compensation Period** in this example includes all earnings between the period selected by the claimant in Step 1, May 1, 2010 through December 31, 2010.

Actual Earnings (May 1 -December 31, 2010)	\$	-	[e]
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Step 6: Determine Claimant Lost Earnings

Lost Earnings is the difference between the **Expected Earnings** (Step 4) and the **Actual Earnings** (Step 5) over the **Compensation Period**.

Lost Earnings	\$	36,064	[f]=[d]-[e]
$\$36,064 = \$36,064 - 0$			
$[f] = [d] - [e]$			

Appendix E

**Example of Compensation Calculation:
Category III Individual - New Entrant to Employment**

Step 7: Calculate Final Claimant Compensation

Final Claimant Compensation includes **Lost Earnings** increased by the agreed upon **Risk Transfer Premium** (Zone A Tourism= 2.5 RTP), then adjusted for any **Employee-Related Benefits Loss** (assume \$2,000), any **Reimbursable Training & Search Costs** (assume \$500 each for training and search) and any **Spill Related Payments** (assume \$3,000).

Lost Earnings (Step 6)	\$	36,064	=[f]
+ Lost Earnings Multiplied by Tourism RTP (2.5 in Zone A)	\$	90,160	[g]=[f] x RTP
+ Employment Related Benefits Losses	\$	2,000	Given above.
+ Reimbursable Training Costs	\$	500	Given above.
+ Reimbursable Search Costs	\$	500	Given above.
- Spill Related Payments	\$	(3,000)	Given above.
Final Claimant Compensation	\$	126,224	

Appendix F

**Example of Compensation Calculation:
Category III Individual - Career Changer**

Category III Individual - Career Changer: In this example, the claimant has passed the causation requirements and provides **Tax Information Documents** demonstrating annual earnings, and also provides **Pay Period Earnings Documentation** sufficient to establish monthly/pay period earnings. The **Individual** switched jobs at the end of 2009 and was employed in Zone B Tourism in 2010, and the **Claimant Specific Growth Factor** exceeded 20%, so this claimant is considered a **Career Changer** and 2011 earnings adjusted downward by the **General Growth Factor** will be used in lieu of a **Benchmark Period**. Because the claimant is a salaried worker, no **Industry Growth Factor** is applicable.

Data Submitted by Claimant

	2009	2010	2011
Annual Earnings per Tax Information Documents	\$ 36,000	\$ 22,500	\$ 55,200
Pay Period Earnings			
January	\$ 3,000	\$ 4,500	\$ 4,600
February	\$ 3,000	\$ 4,500	\$ 4,600
March	\$ 3,000	\$ 4,500	\$ 4,600
April	\$ 3,000	\$ 4,500	\$ 4,600
May	\$ 3,000	\$ 4,500	\$ 4,600
June	\$ 3,000	\$ -	\$ 4,600
July	\$ 3,000	\$ -	\$ 4,600
August	\$ 3,000	\$ -	\$ 4,600
September	\$ 3,000	\$ -	\$ 4,600
October	\$ 3,000	\$ -	\$ 4,600
November	\$ 3,000	\$ -	\$ 4,600
December	\$ 3,000	\$ -	\$ 4,600
Total Earnings	\$ 36,000	\$ 22,500	\$ 55,200

Step 1: Claimant Selects Compensation Period & Base Year

Claimant selects June 1, 2010 through December 31, 2010 as the **Compensation Period**, and 2011 is the **Base Year** for calculating **Expected Earnings** because claimant is a **Career Changer**.

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

Benchmark Period earnings are the actual earnings during the period of the **Base Year** of the same length and dates corresponding to the **Compensation Period**. Given the selection in Step 1, the **Benchmark Period** earnings equal the earnings between June 1, 2011 and December 31, 2011:

Earnings June 1-December 31, 2011 \$ 32,200

Step 3: Determine Earnings Growth Factor(s)

Appendix F

**Example of Compensation Calculation:
Category III Individual - Career Changer**

As illustrated below, the claimant's income changed by more than 20%, and, therefore, the claimant is a **Career Changer**, and the **General Growth Factor** (2%) applies. Since claimant is a salaried worker no **Industry Growth Factor** is applied.

Determination of Claimant Specific Growth Factor

	<u>2009</u>		<u>2010</u>	
January - April Earnings	\$ 12,000	[a]	\$ 18,000	[b]
Calculated Claimant Specific Growth Factor			50.0%	[c]=([b]-[a])/[a]
	$50.0\% = (\$18,000 - \$12,000) / \$12,000$			
	$[c] = ([b] - [a]) / [a]$			

General Growth Factor

2.0%

[d]

(Claimant earnings changed by more than 20%, therefore, 2011 becomes Base Year and growth rate defaults to General Growth Factor of 2%.)

Step 4: Calculate Expected Earnings

Expected Earnings equals **Benchmark Period** earnings (calculated in Step 2) decreased back to 2010 levels using the applicable **Growth Factors** (from Step 3).

2011 Benchmark Period Earnings	\$ 32,200	[e]
Reduce 2011 Earnings by General Growth Factor (from Step 3)	-2.0%	[d]
Reduce 2011 Earnings by Industry Growth Factor (from Step 3)	n/a	[f]
Expected Earnings for the Compensation Period	\$ 31,556	[g]=[e]*(1+[d]+[f])
	$\$31,556 = \$32,200 \times (1 - 0.02 + 0)$	
	$[g] = [e] \times (1 - [d] + [f])$	

Step 5: Determine Actual Earnings in the Compensation Period

Actual Earnings in the claimant selected **Compensation Period** in this example includes all earnings between the period selected by the claimant in Step 1, June 1, 2010 through December 31, 2010.

Actual Earnings (June-December 2010)	\$ -	[h]
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Appendix F

**Example of Compensation Calculation:
Category III Individual - Career Changer**

Step 6: Determine Claimant Lost Earnings

Lost Earnings is the difference between the **Expected Earnings** (Step 4) and the **Actual Earnings** (Step 5) over the **Compensation Period**.

Lost Earnings

$$\begin{aligned} \$31,556 &= \$31,556 - 0 \\ [i] &= [g] - [h] \end{aligned}$$

\$	31,556
----	--------

[i]=[g]-[h]
Step 7: Calculate Final Claimant Compensation

Final Claimant Compensation includes **Lost Earnings** increased by the agreed upon **Risk Transfer Premium** (Zone B Tourism= 2.0 RTP), then adjusted for any **Employee-Related Benefits Loss** (assume \$2,000), any **Reimbursable Training & Search Costs** (assume \$500 each for training and search) and any **Spill Related Payments** (assume \$3,000).

Lost Earnings (Step 6)	\$	31,556	=[i]
+ Lost Earnings Multiplied by Tourism RTP (2.0 in Zone B)	\$	63,112	[j]=[i] x RTP
+ Employment Related Benefits Losses	\$	2,000	Given above.
+ Reimbursable Training Costs	\$	500	Given above.
+ Reimbursable Search Costs	\$	500	Given above.
- Spill Related Payments	\$	(3,000)	Given above.
Final Claimant Compensation	\$	<u>94,668</u>	

EXHIBIT 8C

Addendum Regarding Compensation Related to a Claimant's Loss of Employment-Related Benefits Income as a Result of the DWH Spill

I. Eligibility:

Only **Eligible Claimants** shall qualify for compensation pursuant to this Addendum. To be an **Eligible Claimant**, a claimant must satisfy all of the following **Eligibility Criteria**:

1. The claimant must qualify for compensation pursuant to Section I, Section II or Section III of the **Framework for Individual Economic Loss Claims**.
2. Unless the claimant is a **New Entrant to Employment**, the claimant must have been covered by a health insurance and/or retirement plan provided by the claimant's employer as of April 20, 2010 ("**Pre-Spill Benefit Providing Employer**").
3. If the claimant is a **New Entrant to Employment**, then as of April 20, 2010 the claimant must have had and accepted an offer from a **Pre-Spill Benefit Providing Employer** which included healthcare insurance coverage and/or retirement benefits commencing within the period May 1, 2010 through December 31, 2011.
4. The claimant must demonstrate "**Employment-Related Benefit Losses**". **Employment Related Benefits Losses** shall consist of (i) **Health Insurance Coverage Losses** and/or (b) **Retirement Benefit Losses** (both of which are defined below) due to:
 - a. The termination of the claimant's employment by the **Pre-Spill Benefit Providing Employer**; or
 - b. Other termination of claimant's benefits (e.g., a change in employee's eligibility); or
 - c. A reduction in claimant's compensation related to the DWH Spill; or
 - d. For **New Entrants to Employment**, that the healthcare insurance and/or retirement benefits became unavailable as a result of the offer being withdrawn or amended as a result of the DWH Spill.

"**Health Insurance Coverage Losses**" and "**Retirement Benefit Losses**" shall be defined as follows:

- a. **Health Insurance Coverage Losses**: The claimant's post-DWH Spill loss of income related to the loss of coverage under a health insurance plan from a **Pre-Spill Benefit Providing Employer** in which the claimant was enrolled as of April 20, 2010 (or which was part of the benefits package a **New Entrant to Employment** would have received from his or her **Pre-Spill Benefit Providing Employer**), including any medical, prescription drug, dental and/or vision insurance plan coverages ("**Pre-Spill Insurance Plan Coverages**");¹

AND/OR

¹ For purposes of this addendum, each individual health insurance policy coverage (i.e., medical, prescription drug, dental, and/or vision) will be evaluated separately.

- b. **Retirement Benefit Losses:** The claimant's post-DWH Spill loss of income related to the loss of or reduction in retirement or pension benefits provided by his or her **Pre-Spill Benefit Providing Employer**, including employer pension payments, and/or other employer contributions related to a claimant's 401(k) or 403(b) account, profit sharing plan or other type of retirement account ("**Pre-Spill Retirement Benefits**").

II. Supplemental Documentation

Each **Eligible Claimant** must provide the documentation set forth below (in addition to other documentation required to establish their individual economic loss claim).

A. *Health Insurance Coverage Losses*

An **Eligible Claimant** seeking compensation for **Health Insurance Coverage Losses** must provide the following documentation:

1. For all claimants other than **New Entrants to Employment**, documentation establishing that the **Eligible Claimant** participated in one or more **Pre-Spill Insurance Plan Coverage(s)** provided by the **Pre-Spill Benefit-Providing Employer** as of April 20, 2010, and certain relevant information regarding the **Pre-Spill Insurance Plan Coverage(s)**, including the following:
 - a. Documentation establishing whether the **Eligible Claimant** was enrolled in an individual or family plan coverage for each of the **Pre-Spill Insurance Plan Coverages**.
 - b. Documentation evidencing periodic (annual, monthly, etc.) premium costs to the claimant, if any, in effect at the time of the DWH Spill for each **Pre-Spill Insurance Plan Coverage**.
 - c. Documentation establishing the termination and effective termination date(s) of any of **Eligible Claimant's Pre-Spill Insurance Plan Coverages** as a result of either (i) the post-Spill termination of the **Eligible Claimant's** employment by the **Pre-Spill Benefit-Providing Employer**, or (ii) a post-Spill change in the **Eligible Claimant's** employment status with the **Pre-Spill Benefit-Providing Employer** leading to termination of the **Eligible Claimant's** coverage.
 - d. If available, and if the **Eligible Claimant** so chooses, a **Sworn Written Statement** from an authorized representative of the **Pre-Spill Benefit Providing Employer** indicating the amount of periodic premiums (pay period, monthly, annual, etc.) that would have been paid for the **Eligible Claimant's Pre-Spill Insurance Plan Coverage(s)** by the **Pre-Spill Benefit Providing Employer** absent the DWH Spill.

Documentation may include, for example, an April 2010 paystub evidencing premium deductions for qualifying **Pre-Spill Insurance Plan Coverages**, insurance cards, and other relevant employer provided documentation, etc.

2. For **New Entrants to Employment**, documentation establishing the following:

- a. That the **Eligible Claimant's** offer included **Pre-Spill Insurance Plan Coverage(s)**.
- b. That as of April 20, 2010, the **New Entrant to Employment** planned to participate in one or more of those **Pre-Spill Insurance Plan Coverage(s)**, including (i) specific identification of all relevant **Pre-Spill Insurance Plan Coverage(s)**, (ii) whether the **Eligible Claimant** intended to enroll as an individual or family, and (iii) the date on which the coverage would have begun, as relevant.
- c. The amount of periodic (annual, monthly, etc.) premium costs for which the claimant would have been responsible, if any, for each **Pre-Spill Insurance Plan Coverage**.
- d. If the **New Entrant to Employment's** offer was amended rather than withdrawn, that the inability to participate in the **Pre-Spill Insurance Plan Coverage(s)** was due to the DWH Spill, including the specific basis.
- e. The **New Entrant to Employment** shall provide a **Sworn Written Statement** from an authorized representative of the **Pre-Spill Benefit Providing Employer** indicating the amount of periodic premiums (pay period, monthly, annual, etc.) that would have been paid for the **Eligible Claimant's Pre-Spill Insurance Plan Coverage(s)** by the **Pre-Spill Benefit Providing Employer** absent the DWH Spill if the following apply:
 - i. If the **New Entrant to Employment's** offer was withdrawn, or if the **New Entrant to Employment's** offer was only amended, but he or she was no longer eligible for **Pre-Spill Insurance Plan Coverage**; and
 - ii. If the **New Entrant to Employment** did not obtain **Replacement Health Insurance Coverage** or a **New Employer Insurance Plan** (as defined herein) prior to December 31, 2011.

Documentation may include, for example, the **Eligible Claimant's** relevant offer letter, insurance plan information received from the **Pre-Spill Benefit-Providing Employer**, and/or a **Sworn Written Statement** from an authorized representative of the from the **Pre-Spill Benefit-Providing Employer** with relevant information regarding the **Pre-Spill Insurance Plan Coverage(s)**, such as premium information, the claimant's eligibility, etc., as applicable.

3. If, after the termination of any **Pre-Spill Insurance Plan Coverage**, the **Eligible Claimant** obtained health insurance coverage through COBRA, the **Eligible Claimant** shall provide all of the following:
 - a. Documents evidencing the period for which the **Eligible Claimant** was covered by COBRA, including the first and last effective dates of coverage.
 - b. Documents evidencing the COBRA premiums (and the period to which each premium relates) through the earlier of (i) the termination of COBRA, or (ii) December 31, 2011.
 - c. Documents evidencing the claimant's payment of any COBRA premiums for which the **Eligible Claimant** seeks reimbursement.
4. If, after the termination of any **Pre-Spill Insurance Plan Coverage**, the **Eligible Claimant** obtained and paid for replacement health insurance other than in connection with COBRA,

new employment or an alternative health care insurance plan for which the claimant was eligible (as discussed below)(“**Replacement Health Insurance Coverage**”), the **Eligible Claimant** shall provide all of the following:

- a. Documents evidencing the period for which the **Eligible Claimant** procured any **Replacement Health Insurance Coverage**, including the first and last effective dates of coverage, provided that evidence of coverage beyond December 31, 2011 need not be provided.
 - b. Documents evidencing the premium amounts (and the period to which each premium relates), as well as claimant’s payment of those premiums, for each policy providing **Replacement Health Insurance Coverage** through the earlier of (i) the termination of the policy providing **Replacement Health Insurance Coverage**, or (ii) December 31, 2011.
5. If, after the termination of any **Pre-Spill Insurance Plan Coverages**, the **Eligible Claimant** was offered but did not accept health insurance coverage pursuant to COBRA or a policy providing **Replacement Health Insurance Coverage**, the **Eligible Claimant** shall provide contemporaneous documents evidencing the terms of any offer of COBRA coverage, including the corresponding premium. If the **Eligible Claimant** was not eligible for COBRA because the **Pre-Spill Benefit-Providing Employer** no longer provided health insurance to its existing employees, or because it was not required by law to provide such coverage, the claimant should certify in writing that no COBRA coverage was offered.
6. If the **Eligible Claimant** obtained or was covered by health insurance from a new or former employer, or by an alternative health care insurance plan for which the claimant was eligible (through, for example, a spouse, domestic partner, parent, legal guardian, veteran’s or other plan, as applicable) after the termination of the **Pre-Spill Insurance Plans**, but prior to December 31, 2011 (“**Post-Spill Employer Insurance Plan Coverage**”), the **Eligible Claimant** shall provide documents setting forth the type and effective date(s) of any **Post-Spill Employer Insurance Plan Coverages**.

B. Retirement Benefit Losses

An **Eligible Claimant** seeking compensation for **Retirement Benefit Losses** must provide the following documentation:

1. Documentation establishing that the **Eligible Claimant** was enrolled, eligible for and receiving vested **Pre-Spill Retirement Benefits** from the **Pre-Spill Benefit-Providing Employer** as of April 20, 2010. Documentation evidencing **Pre-Spill Retirement Benefits** could include, for example, a paystub including matching contributions, investment statement, or other third party document evidencing the employer’s contributions to or payment of **Pre-Spill Retirement Benefits** on behalf of the **Eligible Claimant**, and the vesting schedule.

2. Documentation establishing that the **Eligible Claimant's Pre-Spill Retirement Benefits** were terminated after April 20, 2010 as a result of either (i) the post-Spill termination of the **Eligible Claimant's** employment by the **Pre-Spill Benefit-Providing Employer**, or (ii) a post-Spill change in the **Eligible Claimant's** employment status with the **Pre-Spill Benefit-Providing Employer**.
3. Documentation evidencing the amount of vested **Pre-Spill Retirement Benefits** contributed on behalf of the **Eligible Claimant** by the **Pre-Spill Benefit-Providing Employer** between May 1, 2009 and the documented termination date of the **Pre-Spill Retirement Benefits**. To the extent the **Eligible Claimant** had been employed with the **Pre-Spill Benefit-Providing Employer** for less than twelve months, he or she should provide the requested information from his or her start date with the **Pre-Spill Benefit-Providing Employer** through the date **Pre-Spill Retirement Benefits** ceased.
4. If the **Eligible Claimant's Pre-Spill Retirement Benefits** were terminated, the claimant shall provide documentation evidencing the termination of the **Eligible Claimant's Pre-Spill Retirement Benefits**, including the effective date of termination.
5. If the **Eligible Claimant** experienced a post-DWH Spill reduction in **Pre-Spill Retirement Benefits**, the claimant shall provide the following:
 - a. Documents regarding any retirement benefits provided by the **Pre-Spill Benefit-Providing Employer** after the DWH Spill ("**Actual Post-Spill Retirement Benefits**"); and
 - b. If applicable, any documents evidencing a change in the terms by which the **Pre-Spill Benefit-Providing Employer** provided the **Pre-Spill Retirement Benefits** (e.g., such as an elimination of employer matching) or a change in vesting schedule terms unrelated to the DWH Spill ("**Unrelated Plan Change**"). It will be assumed that any plan change is unrelated to the DWH Spill for purposes of this addendum, unless the claimant provides documentation establishing that the plan change was due to or resulting from the DWH Spill ("**Spill-Related Plan Change**"). Documentation could include, for example, contemporaneous notification received from, or a **Sworn Written Statement** provided by an authorized representative of, the **Pre-Spill Benefit Providing Employer**.
7. For **New Entrants to Employment**, documentation establishing all of the following:
 - a. That the **Eligible Claimant's** offer included **Pre-Spill Retirement Benefits**.
 - b. That as of April 20, 2010, the **New Entrant to Employment** planned to participate in the offered **Pre-Spill Retirement Benefits**.
 - c. The amount of **Pre-Spill Retirement Benefits** for which the **Eligible Claimant** would have been eligible, the vesting schedule for such benefits, and, if the amount or

vesting of **Pre-Spill Retirement Benefits** was contingent upon the **Eligible Claimant's** contributions, the planned contributions of the **Eligible Claimant**.

- d. If the **New Entrant to Employment's** offer was amended rather than withdrawn, the **Eligible Claimant's** and his or her **Pre-Spill Benefit Providing Employer's** actual post-DWH Spill contributions to the **Pre-Spill Retirement Plan**.

Documentation may include, for example, the **Eligible Claimant's** relevant offer letter, retirement plan information received from the **Pre-Spill Benefit-Providing Employer**, and/or a **Sworn Written Statement** from an authorized representative of the **Pre-Spill Benefit-Providing Employer** with relevant information regarding the **Pre-Spill Retirement Benefits**, such as contribution terms and conditions, the claimant's eligibility, etc.

6. If the **Eligible Claimant** obtained retirement benefits from a new employer after the termination of the **Pre-Spill Retirement Benefits**, but prior to December 31, 2011 ("**New Employer Retirement Benefits**"), the claimant shall provide documents setting forth the effective date(s) of any **New Employer Retirement Benefits**.

III. Compensation for Health Insurance Coverage Losses

Eligible Claimants who assert **Health Insurance Coverage Losses** shall be eligible for compensation pursuant to one of the following methodologies, if applicable:

1. **Compensation Based on COBRA or Replacement Health Insurance Coverage Premiums²**: The **Eligible Claimant** may be reimbursed based on premium(s) paid for COBRA, or the premium(s) paid for policies providing **Replacement Health Insurance Coverage** in which the **Eligible Claimant** enrolled after the termination of a corresponding **Pre-Spill Insurance Plan Coverage**. The total loss of income will equal (i) the daily rate for such COBRA or **Replacement Health Insurance Coverage**, less the daily rate for the **Eligible Claimant's** portion of the premium on the **Pre-Spill Insurance Plan Coverages**, multiplied by (ii) the total number of days in the period for which the **Eligible Claimant** qualifies for **Health Insurance Coverage Losses**, provided that if the result in (i) is negative, no compensation will be paid to the **Eligible Claimant**. **Health Insurance Coverage Losses** will be calculated over the period extending from:
 - a. The termination of the **Pre-Spill Insurance Plan Coverage** or, for **New Entrants to Employment**, the date on which the **Pre-Spill Insurance Plan Coverage** would have begun absent the DWH Spill, until
 - b. The earlier of (i) the **Eligible Claimant's** enrollment in a **New Employer Insurance Plan**, or (ii) December 31, 2011.

OR

² **Eligible Claimants** who qualify for compensation pursuant to Option 1 may alternatively be compensated on the basis of Option 2 (if the appropriate information is provided).

2. **Compensation Based on Documentation Regarding Premiums Paid by the Pre-Spill Benefit Providing Employer**³: If the **Eligible Claimant** provides a **Sworn Written Statement** from an authorized representative of the **Pre-Spill Benefit Providing Employer**, the **Eligible Claimant** may be reimbursed based on the premium(s) paid for the **Pre-Spill Insurance Plan Coverage(s)** by the **Pre-Spill Benefit Providing Employer**. The total loss of income will equal (i) the daily rate funded by the **Pre-Spill Benefit Providing Employer** multiplied by (ii) the total number of days in the period for which the **Eligible Claimant** qualifies for **Health Insurance Coverage Losses**. **Health Insurance Coverage Losses** will be calculated over the period extending from:
- The termination of the **Pre-Spill Insurance Plan Coverage** or, for **New Entrants to Employment**, the date on which the **Pre-Spill Insurance Plan Coverage** would have begun absent the DWH Spill, until
 - The earlier of (i) the **Eligible Claimant's** enrollment in a **New Employer Insurance Plan**, or (ii) December 31, 2011.

OR

3. **Compensation Based on Estimated Premiums Paid by the Pre-Spill Benefit Providing Employer**⁴: An **Eligible Claimant** who did not replace coverage through COBRA or **Replacement Health Insurance Coverage**, the **Eligible Claimant's Health Insurance Coverage Losses** will be calculated as follows:
- Step 1: Establish the Pre-Spill Employer Premium**
 - For all **Eligible Claimants** who were not **New Entrants to Employment**:
 - Identify the participating premiums paid by the **Eligible Claimant** as evidenced by payroll deductions for the relevant **Pre-Spill Insurance Plan Coverage** in April 2010, or other relevant documentation evidencing the **Eligible Claimant's** premiums related to the **Pre-Spill Insurance Plan Coverage(s)**.
 - If the **Eligible Claimant** participated in an individual plan, divide the premium by 0.2, and if the premium related to a family plan, divide the premium by 0.4⁵ to calculate the "**Gross Premium**" associated with the **Pre-Spill Insurance Plan Coverage**, inclusive of both the portion funded by the claimant and the portion funded by the employer.

³ **Eligible Claimants** who qualify for compensation pursuant to Option 2 may alternatively be compensated on the basis of Option 1 (if the appropriate information is provided).

⁴ Option 3 will only be used in circumstances where the **Eligible Claimant** is unable to provide the information necessary to perform the calculations set forth in Options 1 or 2.

⁵ These factors represent the approximate portion of healthcare insurance premiums funded by employees based on data from the Bureau of Labor Statistics Employee Benefits Survey.

3. Multiply the **Gross Premium** by 0.8 for claimants with individual plans and 0.6 for claimants with family plans⁶ to estimate the portion of the premium funded by the employer ("**Pre-Spill Employer Premium**").
- ii. For all **New Entrants to Employment**:
 1. The **Pre-Spill Employer Premium** will be the premium that would have been funded by the **Pre-Spill Benefit Providing Employer** for the **New Entrant to Employment's Pre-Spill Insurance Plan Coverage** absent the DWH Spill according to the **Sworn Written Statement** from the **Pre-Spill Benefit Providing Employer**.
- b. **Step 2: Calculate the Daily Pre-Spill Employer:** Divide the **Pre-Spill Employer Premium** by the number of days covered by the premium to calculate a "**Daily Employer Premium**".
- c. **Step 3: Calculate Health Insurance Coverage Losses:**
 - i. For all **Eligible Claimants** who were not **New Entrants to Employment**:
 1. Multiply the **Daily Employer Premium** by the number of days between the effective termination date of the relevant **Pre-Spill Insurance Plan Coverage** and the earlier of (i) the effective date of any corresponding **Post-Spill Employer Insurance Plan Coverage**, if applicable⁷, or (ii) December 31, 2011.
 - ii. For all **New Entrants to Employment**:
 1. Multiply the **Daily Employer Premium** by the number of days between the day on which the **Pre-Spill Insurance Plan Coverage** would have taken effect absent the DWH Spill, and the earlier of (i) the effective date of any corresponding **Post-Spill Employer Insurance Plan Coverage**, if applicable, or (ii) December 31, 2011.

No RTP will be applied to any calculated **Health Insurance Coverage Losses**.

IV. Compensation for Retirement Benefit Losses

Eligible Claimants who claim **Retirement Benefit Losses** shall be compensated in an amount equal to the **Pre-Spill Retirement Benefits** contributed on behalf of or paid to the **Eligible Claimant** by the **Pre-Spill Benefit-Providing Employer** for a period extending from:

- a. The termination of or reduction to the **Pre-Spill Retirement Benefits** or, for **New Entrants to Employment**, the date on which the **Pre-Spill Retirement Benefits** would have begun absent the DWH Spill, to

⁶ These factors represent the approximate portion of healthcare insurance premiums funded by employees based on data from the Bureau of Labor Statistics Employee Benefits Survey.

⁷ For example, if the **Eligible Claimant** received coverage from **Post-Spill Employer Insurance Plan Coverage** as of the date of the termination of the **Eligible Claimant's Pre-Spill Insurance Plan Coverage**, the claimant will not have suffered a compensable loss and will therefore not receive compensation.

- b. The earlier of (i) the effective date of any **New Employer Retirement Benefits**, or (ii) December 31, 2011.

The Eligible Claimant's **Retirement Benefit Losses** shall be determined as follows:

1. Step 1: Establish Daily Retirement Benefits Rate(s)

- a. If the **Eligible Claimant's Pre-Spill Retirement Benefits** were eliminated as described above, calculate the "**Pre-Spill Daily Retirement Benefits Rate**" by dividing (i) by (ii), as described below:
 - i. The total vested portion of the **Pre-Spill Retirement Benefits** contributed on behalf of the **Eligible Claimant** by the **Pre-Spill Benefit-Providing Employer** between the later of May 1, 2009 or the commencement date of the **Eligible Claimant's** employment with the **Pre-Spill Benefit-Providing Employer**, and the documented date on which the **Pre-Spill Retirement Benefits** were reduced or terminated, by
 - ii. The total number of days in that period.
- b. If the **Eligible Claimant's Pre-Spill Retirement Benefits** were reduced, then:
 - i. If there was no post-DWH Spill **Plan Change**, the **Pre-Spill Retirement Benefits Rate** calculated in (a) above will apply for all relevant periods; or
 - ii. If there was a post-DWH Spill **Plan Change**, then:
 - 1. The **Pre-Spill Daily Retirement Benefits Rate** calculated as in (a) above will apply for the relevant period prior to the **Plan Change**, and
 - 2. For the relevant period after the **Plan Change**, the "**Revised Daily Retirement Benefits Rate**" will be the expected daily rate based on the **Pre-Spill Benefit Providing Employer's** revised contribution terms relative to the **Eligible Claimant's** pre-DWH Spill earnings.
- c. If the **Eligible Claimant** was a **New Entrant to Employment**, the "**New Entrant Retirement Benefits Rate**" will be calculated as the **Pre-Spill Benefit Providing Employer's** expected average daily contribution on behalf of the **Eligible Claimant** based on documents provided by the **Eligible Claimant**.

2. Step 2: Calculate Expected Post- Spill Retirement Benefits

- a. If the **Eligible Claimant's Pre-Spill Retirement Benefits** were eliminated as described above, the **Eligible Claimant's** employer-funded retirement benefits expected in the absence of the DWH Spill ("**Expected Post-Spill Retirement Benefits**") are calculated by multiplying the **Pre-Spill Daily Retirement Benefits Rate** calculated in (1) by the total number of days between:
 - i. The termination of the **Eligible Claimant's Pre-Spill Retirement Benefits**, and
 - ii. The earlier of (i) the effective date of any **New Employer Retirement Benefits**, or (ii) December 31, 2011.
- b. If the **Eligible Claimant's Pre-Spill Retirement Benefits** were reduced rather than eliminated, then:

- i. If there was no post-DWH Spill **Plan Change**, the **Eligible Claimant's Expected Post-Spill Retirement Benefits** shall be calculated as in (a) above.
 - ii. If there was a post-DWH Spill **Plan Change**, the **Eligible Claimant's Expected Post-Spill Retirement Benefits** shall be calculated as the sum of the following:
 1. The **Pre-Spill Daily Retirement Benefits Rate** shall be multiplied by the number of days between (i) the **Eligible Claimant's** post-DWH Spill reduction in **Pre-Spill Retirement Benefits**, and (ii) the documented change in the terms of the **Pre-Spill Benefit Providing Employer's** retirement contributions; and
 2. The **Revised Daily Retirement Benefits Rate** shall be multiplied by the number of days between:
 - a. The effective date of the **Pre-Spill Benefit Providing Employer's** post-DWH Spill **Plan Change**; and
 - b. The earlier of (i) the effective date of any **New Employer Retirement Benefits**, or (ii) December 31, 2011.
 - c. If the **Eligible Claimant** was a **New Entrant to Employment**, the **Eligible Claimant's Expected Post-Spill Retirement Benefits** are calculated by multiplying the **New Entrant Retirement Benefits Rate** calculated in subpart (c) of Step 1 above by the total number of days between:
 - i. The date on which the **Eligible Claimant's** vested **Pre-Spill Retirement Benefits** would have begun absent the DWH Spill, or the date on which the reduced benefits actually began, and
 - ii. The earlier of (i) the effective date of any **New Employer Retirement Benefits**, or (ii) December 31, 2011.
3. **Step 3: Calculate Eligible Claimant's Retirement Benefit Losses**
 - a. If the **Eligible Claimant's Pre-Spill Retirement Benefits** were terminated as a result of the DWH Spill, the **Eligible Claimant's Retirement Benefit Losses** shall be equal to the **Expected Post-Spill Retirement Benefits**; or
 - b. If the **Eligible Claimant's Pre-Spill Retirement Benefits** were reduced as a result of the DWH Spill, the **Eligible Claimant's Retirement Benefit Losses** shall be equal to the difference between **Expected Post-Spill Retirement Benefits** and the **Eligible Claimant's Actual Post-Spill Retirement Benefits** for the same period.
 - c. If the **Eligible Claimant** was a **New Entrant to Employment**, the **Eligible Claimant's Retirement Benefit Losses** shall be equal to the **Expected Post-Spill Retirement Benefits** calculated in subpart (c) of Step 2.

No RTP will be applied to any calculated **Retirement Benefit Losses**.

EXHIBIT 8D

Addendum to Individual Framework

I. Individual Periodic Vendors ("IPV")¹

A. Eligibility

An **IPV** is a Natural Person claiming economic loss during a period in May through December 2010 who satisfies all of the following criteria:

1. Regularly sold at retail during 2009 and 2010 any of the legal food, souvenir, art, tourist-related or water-related goods or services listed in Attachment A or substantially equivalent items ("**Covered Sales**") to CONSUMERS in Zones A, B or C during May through December 2009 and/or May through December 2010.
2. Made such **Covered Sales**, primarily to non-local CONSUMERS,² except that water-related **Covered Sales**, need not be primarily made to non-local CONSUMERS.
3. Did not maintain a permanent business location in a building at which the claimant made **Covered Sales**.
4. Held any licenses required by law.
5. Was not employed by an employer in connection with such **Covered Sales**.
6. Does not have **Tax Information Documents** sufficient to support a claim under the Business Compensation Framework for this claimed loss.

B. Causation

1. Causation shall be presumed for claimed losses associated with lost **Covered Sales** in Zones A and B. If the claimant alleges lost **Covered Sales** in Zone C, the claimant must provide either:
 - a. Documents establishing a decline of 5% or more in net earnings from the claimant's **Covered Sales** in Zone C during the claimant-selected period of 3 consecutive months or more during May through December 2010 ("**Compensation Period**"), compared to the same 3 or more consecutive month period in 2009; OR

¹ This section is not intended to compensate losses associated with vendors who do not qualify for compensation pursuant to Sections I – V and whose claimed losses relate to income from **Festivals** (as defined herein). **Festival**-related losses are addressed in a separate section of this document. Claimants may, however, file separate claims for compensation associated with **Festival**-related losses and **IPV**-related losses, as applicable.

² CONSUMER shall have the meaning in the Economic and Property Damages Settlement Agreement. A CONSUMER shall be considered a "non-local CONSUMER" if they reside more than 60 miles from the location at which claimant made the **Covered Sale**.

- b. A statement from an **Adjacent Business** as defined in Section I(C)4(e) below, that the **Adjacent Business** experienced a decline in sales to non-local CONSUMERS during May through December 2010 compared to May through December 2009 due to or resulting from the DWH Spill.

C. **Documentation Requirements**

An IPV under this Section must provide the documents indicated below:

1. **Records Regarding Covered Sales**

- a. Documents regarding the IPV's **Covered Sales** in Zones A, B or C to CONSUMERS, including non-local CONSUMERS, from May through December 2009 and May through December 2010. The information must be sufficient for the **Claims Administrator** to determine that the IPV was in the business of regularly making such **Covered Sales** prior to April 20, 2010, and includes all information regarding the IPV's revenues from **Covered Sales** from May through December 2009 and May through December 2010, as well as corresponding expenses. Such documentation could include, but is not limited to, the following:
 - i. Sales logs, sales tax receipts, cash receipts registers, credit card registers, bank statements or other contemporaneous records; and/or
 - ii. Receipts from third-party vendors or other sources related to the purchase of materials or equipment related to the **Covered Sales**; and/or
 - iii. Documents establishing any wages paid to employees or amounts paid to other individuals who assisted in making the **Covered Sales**, or any other expenses incurred in connection with the **Covered Sales**.
- b. Photographs and other documentation (including but not limited to news articles, sales flyers or advertisements) reflecting (i) the goods or services sold in **Covered Sales** by the IPV, (ii) the location(s) at which the IPV sold the goods or services (including any documents providing information regarding an **Adjacent Business**), (iii) the prices charged for **Covered Sales** of goods or services, and/or other product information, and (iv) any biographical or other background information on the IPV selling the goods or services. The IPV shall also provide the date(s) of any photographs and the locations depicted. If the exact date is not available, the IPV may provide the month, or range of months, and year.
- c. Documents establishing the IPV's total earned income from **Covered Sales** (net of all variable expenses) for May through December 2009 and May through December 2010.

- d. Any available documents showing that the **IPV** made **Covered Sales** to non-local CONSUMERS in each period, with supporting information and/or documentation sufficient to permit the **Claims Administrator** to reasonably conclude that the **IPV** made sales to non-local CONSUMERS in each period.
 - i. For **IPVs** selling in Zones A and B, sales to non-local CONSUMERS shall be presumed.
 - ii. For **Covered Sales** in Zone C, the **IPV** may provide **IPV's** receipts reflecting purchasers' addresses, and/or documentation establishing that the **Covered Sales** were made on an interstate highway or other highway in Zone C or in an area generally visited by Tourist such as a museum, zoo, or historic site.
 - e. Documents identifying by name, address and telephone number any employee in connection with the **Covered Sales** of claimant during 2009 or 2010.
2. **Licensing Documentation**: If a government-issued license/permit was required to make any **Covered Sales**, **IPV** shall provide a copy of valid 2009 and 2010 licenses,³ or evidence such existed, such as:
- Business license.
 - Vendor's license.
 - Peddlers license.
 - Itinerant Vendor license.
 - Commercial/recreational fishing license.
 - Occupational license.
 - Sales tax license.
 - Other licenses & permits related to income sources.
 - Canceled check for license or affidavit from issuing government body.

3. **IPV Employability Documentation**⁴: The **IPV** must provide both:

³ To the extent a state or municipality or other governmental agency agrees to provide the **Claims Administrator** with access to any official database sufficient for the **Claims Administrator** to confirm the claimant possessed a valid 2009 and 2010 license, the **Claims Administrator** need not require from the claimant a copy of the valid license. Rather, the **Claims Administrator** is authorized to accept from the claimant the license number as sufficient to satisfy this subpart, and the **Claims Administrator** will use the database to confirm claimant's license is valid.

- a. A copy of a Social Security card, government issued identification, temporary worker visa, or green card that was valid as of April 20, 2010 or verification of existence of at least one such document from a public database providing the same information as would be provided from the original document;

AND

- b. Evidence that the **IPV** 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, or the **IPV's** birth certificate, other government issued identification indicating date of birth, or verification of existence of at least one such document from a public database providing the same information as would be provided from the original document.

4. **IPV Sworn Written Statement:** The **IPV** must submit a **Sworn Written Statement** that sets forth all of the following:

- a. Verification that the **IPV** does not have available, and is not able to provide, **Tax Information Documents** sufficient to support a claim as a business under the Business Compensation Framework for the claimant **Covered Sales**.
- b. A description of the **Covered Sales** made by the **IPV**, including a description of the relevant goods or services sold by the **IPV**.
- c. A statement that (i) the **IPV** possessed and has attached copies of all required licenses as set forth in section IC.2., or (ii) the reason no such license(s) were required.
- d. A statement that all available documentation regarding revenue and expenses related to **Covered Sales** during the periods (i) May through December 2009 and (ii) May through December 2010 that the **IPV** possesses or has access to has been provided in support of the claim.
- e. The name, address, telephone number and a brief description of at least one business satisfying the Tourism definition and located on a parcel of property with a boundary within 100 yards of any location at which the **IPV** made or arranged for **Covered Sales** ("**Adjacent Business**"), and a **Sworn Written Statement** from an owner or employee of such business

⁴ To the extent the state or federal government agrees to provide the **Claims Administrator** with access to any official database sufficient for the **Claims Administrator** to confirm that a claimant possessed valid documentation of the type required in subparts 3(a) and 3(b). The **Claims Administrator** may not require from the claimant a copy of the requested document. Rather, the **Claims Administrator** is authorized to accept from the claimant the relevant government issued number as sufficient to satisfy this subpart 3, and the **Claims Administrator** shall utilize the database to confirm the claimant's government issued number is valid.

in support of the claim. If no such **Adjacent Business** exists, the **IPV** shall so state.

- f. To the extent the **IPV** is not able to provide documents demonstrating the revenue associated with **Covered Sales**, the **IPV** should estimate the **Covered Sales** revenues in each of Zone A, B or C for both May through December 2009 and May through December 2010, and explain the basis for the estimates provided (e.g., "Sold ___ bags of peanuts at ___ per unit"). To the extent documentation exists in support of the earned income estimate (or components thereof), copies of such documentation must be provided.
- g. To the extent the **IPV** is not able to provide documents demonstrating the expenses associated with the **Covered Sales**, the **IPV** should provide (i) a description of any materials purchased by the **IPV** in connection with making the **Covered Sales**, including the name and address of the provider of the materials, and the estimated costs of such materials in total and/or for each good or service sold in **Covered Sales**, (ii) an estimate of any wages paid to employees or amounts paid to other individuals who assisted in making the **Covered Sales** and an identification of the period to which such payments relate, and (iii) a description and estimate of any other expenses incurred in connection with the **Covered Sales**.
- h. A description of any cash or in-kind payments made by the **IPV** in 2009, 2010 and/or 2011 to an **Adjacent Business** in consideration of such **Adjacent Business** permitting or facilitating **IPV's Covered Sales**.
- i. An explanation sufficient to permit the **Claims Administrator** to determine that any reduction of **IPV's** net earnings from **Covered Sales** from May through December 2010 compared to prior periods was due to or resulting from the DWH Spill.

5. **Adjacent Business Sworn Written Statement:**

The **IPV** must procure and submit a **Sworn Written Statement** from an owner or employee of an **Adjacent Business(es)** ("**Adjacent Business Affiant**"), setting forth the following:

- a. The name, address, telephone number of the **Adjacent Business Affiant** and relationship to the **Adjacent Business**; and
- b. The business name, address(es), telephone number(s), and website(s) of the **Adjacent Business**, and a description of the nature of the business; and
- c. A description of any cash or other payments made by the **IPV** in 2009, 2010 and/or 2011 to the **Adjacent Business** in consideration of such **Adjacent Business** permitting or facilitating the **IPV's** sales; and

- d. A statement setting forth the dates and other information regarding the **IPV's Covered Sales** witnessed by the **Adjacent Business Affiant** – e.g., “I observed **IPV** selling _____ [TYPE OF GOODS OR SERVICES] at [LOCATION] during approximately [DAYS OR WEEKS] during [PRE-SPILL PERIOD] and I observed the **IPV** selling _____ [TYPE OF GOODS OR SERVICES] at [LOCATION] during approximately [DAYS OR WEEKS] during [the **Compensation Period**].” If the **IPV** made **Covered Sales** in multiple locations during the pre-DWH Spill period, and wishes to rely upon all of those sales, the **IPV** should submit an **Adjacent Business Sworn Written Statement** with respect to each such location; and
- e. For an **IPV** alleging losses in Zone C who does not submit documentation establishing a decline of 5% or more in net earnings from **Covered Sales** in Zone C during the **Compensation Period**, compared to the same 3 or more consecutive month period in 2009, then the **Adjacent Business Affiant** must set forth the following additional information:
 - i. A statement from the **Adjacent Business Affiant** that the **Adjacent Business** experienced a decline in sales to non-local CONSUMERS during the same three or more consecutive months in May through December 2010 compared to the same three or more consecutive months in May through December 2009;
 - ii. A description of the amount and time period of such decline, the **Adjacent Business Affiant's** basis for such statements; and
 - iii. An explanation of how the decline was due to or resulting from the DWH Spill.

D. Compensation Calculation

Consistent with the Causation provisions of Section B.1., the **Claims Administrator** shall evaluate the sufficiency and reliability of information provided by **IPV** and the supporting **Adjacent Business Affiant(s)**, including the sworn claim form, **Sworn Written statements**, interviews (if any) and/or any supplemental information the **Claims Administrator** may require, to determine whether (i) the **IPV** engaged in **Covered Sales** to non-local CONSUMERS and such non-local **Covered Sales** declined in the **Compensation Period** and/or (ii) the **IPV** experienced any other decline in **Covered Sales** due to or resulting from the DWH Spill. Compensation may be awarded where the **Claims Administrator** determines that causation has been established based upon the above-described information as well as sufficient documentation for the **Claims Administrator** to determine that the **Covered Sales** identified by the claimant occurred during the periods indicated (“**Sufficient Documentation**”). Examples of such **Sufficient Documentation** include:

- 1. A summary spreadsheet with accompanying supporting schedules reflecting the total revenues and total expenses associated with **Covered Sales**; or

2. Documents from persons or entities unrelated to the claimant that reflect the total revenues and total expenses associated with **Covered Sales**.

The **IPV Earnings from Covered Sales** shall be calculated as the difference between a) the **IPV's** total revenues less corresponding total expenses related to **Covered Sales** for any claimant selected **Compensation Period** of three or more consecutive months between May 1 and December 31, 2010, and b) the same months in 2009.

The **IPV's Lost Earnings** shall be calculated as the **IPV Earnings from Covered Sales** for the **Base Period** minus the **IPV Earnings from Covered Sales** for the **Compensation Period**.

The **IPV's Compensation Amount** shall be equal to the lesser of the **IPV's Lost Earnings** or \$12,000. An RTP of 1 shall be applicable.

If the **Claims Administrator** has reason to question the reliability of the information provided or if the **Claims Administrator** feels that the information supplied is insufficient for a determination of the **IPV's** loss to be made under this Section I, then the **Claims Administrator** may request an interview of the **IPV** and/or the **Adjacent Business Affiant(s)** consistent with the **Interview Procedures** set forth in the **Addendum Regarding Interviews of Claimants Alleging Individual Economic Loss**.⁵

The **Claims Administrator** shall determine the Final Compensation Amount based on the information provided by the **IPV** and the supporting **Adjacent Business Affiant(s)**, including the sworn claim form, affidavits, interviews, any supplemental information the **Claims Administrator** may require the **IPV** to provide to support the claim, and/or any other information the **Claims Administrator** may determine to be relevant and reliable. The **Claims Administrator** may rely on his credibility and reliability determinations in determining the Final Compensation amount, if any, to be provided to the **IPV**.

II. FESTIVAL VENDORS⁶

A. Eligibility

A "Canceled Festival" is a **Festival** that occurred at any time from May through December 2009 and was originally scheduled to occur at any time between May through December 2010, but was canceled after April 20, 2010 as a result of the DWH Spill.

⁵ Nothing in this Individual Economic Loss Framework shall in any way limit the right and obligation of the **Claims Administrator** to investigate fully all suspicions of fraudulent conduct by or on behalf of any claimant, including but not limited to conducting any interviews and obtaining any documents the **Claims Administrator** deems necessary.

⁶ For purposes of this document, **IPVs** and **Festival Vendors** are considered to be separate claimants, but nothing precludes a claimant from making a claim both as a **IPV** and as a **Festival Vendor**.

⁶ The Parties shall seek a Court Order authorizing them to obtain from relevant state and local authorities information regarding examples of **Festivals** that may be presented at the Fairness Hearing.

A “**Festival**” includes organized street festivals, tournaments or major sporting events, outdoor art exhibitions, carnivals or other similar events of the type set forth in Attachment B held in Zone A, B or C at any time during May through December 2009 and/or May through December 2010.

“**Festival Sales**” are legal sales of items defined as **Covered Sales** made at retail at **Festivals**.

A “**Replacement Festival**” includes any organized street festival, tournament or major sporting event, outdoor art exhibition, carnival or other similar event of the type set forth in Attachment B, regardless of where that event was held, in which the claimant participated between May and December 2010 in lieu of a **Canceled Festival**.

“**Replacement Festival Sales**” are legal sales of items defined as **Covered Sales** made at retail at **Replacement Festivals**.

A claimant must be an eligible **Festival Vendor** to qualify for compensation pursuant to this Section II. A “**Festival Vendor**” (also referred to herein as “claimant”) is a Natural Person claiming economic loss for a period in May through December 2010 who satisfied all of the following criteria below:

1. Regularly made **Festival Sales** prior to April 20, 2010; and
2. Held any and all licenses and/or permits required by law; and
3. Was not employed by an employer in connection with such sales; and
4. Does not have **Tax Information Documents** sufficient to support a claim under the Business Compensation Framework; and
5. Claims a loss of revenue and earnings related to a **Festival** in which the **Festival Vendor** participated or would have participated absent the DWH Spill.

B. Causation

1. Causation shall be presumed for claimed losses associated with **Festival Sales** in Zones A and B.
2. If the claimant alleges lost eligible **Festival Sales** in Zone C, the claimant must provide all of the following:
 - a. A **Festival Vendor Sworn Written Statement** that includes the information required in Section I(C)5(g); and
 - b. Certain relevant documentation specified herein; and
 - c. A **Festival Coordinator Sworn Written Statement** by a **Festival Coordinator** of each **Festival** at which the **Festival Vendor** planned to, or did, make **Festival Sales**. The terms **Festival Coordinator Sworn**

Written Statement and **Festival Coordinator** are defined in Sections II(C)5 below.

C. **Documentation Requirements**

A **Festival Vendor** under this Section must provide the documents indicated below:

1. **Records Regarding Festival Sales**

- a. Documents regarding the **Festival Vendor's Festival Sales**, from both May through December 2009 and May through December 2010, and for any **Replacement Festival Sales** from May through December 2010. The information must be sufficient for the **Claims Administrator** to determine that the **Festival Vendor** was in the business of regularly making **Festival Sales** prior to April 20, 2010, and includes all information regarding the **Festival Vendor's** revenues and expenses from **Festival Sales** from May through December 2009 and May through December 2010, and for **Replacement Festival Sales** from May through December 2010. Such documentation could include, but is not limited to, the following:
 - i. Sales logs, sales tax receipts, cash receipts registers, credit card registers, bank statements or other contemporaneous records; and/or
 - ii. Receipts from vendors or other sources related to product costs, material purchases, and/or equipment purchases related to the **Festival Sales** and **Replacement Festival Sales**; and/or
 - iii. Documents establishing any wages paid to employees or amounts paid to other individuals who assisted in making the **Festival Sales** or **Replacement Festival Sales**, or any other expenses incurred in connection with the **Festival Sales** or **Replacement Festival Sales**.
- b. Documents evidencing participation in any and all **Festivals** during the period May through December 2009 and May through December 2010, and all **Replacement Festivals** from May through December 2010, including but not limited to (i) records of payment made by **Festival Vendor** to participate in each **Festival** or **Replacement Festival**, if applicable, and (ii) entry or registration forms, or other documents showing all booth or stall assignments, if applicable.
- c. If applicable, documents evidencing **Festival Vendor's** intended participation in a **Canceled Festival**, including but not limited to (i) records of payment made by **Festival Vendor** to participate in each **Festival** and returned due to the **Canceled Festival** being canceled, and (ii) entry or registration forms, or other documents showing all booth or stall assignments, and (iii) any documents notifying the **Festival Vendor** that the **Canceled Festival** was canceled. The **Festival Vendor** shall also

identify any **Replacement Festival** in which the **Festival Vendor** participated and the corresponding **Canceled Festival**. If the **Festival Vendor** did not participate in any **Replacement Festivals**, the **Festival Vendor** should so state.

- d. Documents identifying by name, address and telephone number any employee in connection with the **Festival Sales** or **Replacement Festival Sales** of claimant during 2009 or 2010.

2. **Licensing Documentation**⁷: If a government-issued license/permit was required to make any **Festival Sales** or **Replacement Festival Sales**, **Festival Vendor** shall provide a copy of valid 2009 and 2010 licenses, such as:

- Business license.
- Vendor's license.
- Commercial/recreational fishing license.
- Occupational license.
- Peddler's license.
- Itinerant Vendor license.
- Sales tax license.
- Other licenses & permits related to income sources.

3. **Festival Vendor's Employability Documentation**⁸: The **Festival Vendor** must provide both:

- a. A copy of a Social Security card, government issued identification or card, temporary worker visa, or green card that was valid as of April 20, 2010 or a verification of existence of at least one such document from a public database providing the same information as would be provided from the original document;

⁷ To the extent a state or municipality or other governmental agency agrees to provide the **Claims Administrator** with access to any official database sufficient for the **Claims Administrator** to confirm the claimant possessed a valid 2009 and 2010 license, the **Claims Administrator** need not require from the claimant a copy of the valid license. Rather, the **Claims Administrator** is authorized to accept from the claimant the license number as sufficient to satisfy this subpart, and the **Claims Administrator** will use the database to confirm claimant's license is valid.

⁸ To the extent the state or federal government agrees to provide the **Claims Administrator** with access to any official database sufficient for the **Claims Administrator** to confirm that a claimant possessed valid documentation of the type required in subparts 3(a) and 3(b). The **Claims Administrator** may not require from the claimant a copy of the requested document. Rather, the **Claims Administrator** is authorized to accept from the claimant the relevant government issued number as sufficient to satisfy this subpart 3, and the **Claims Administrator** shall utilize the database to confirm the claimant's government issued numbered is valid.

AND

- b. Evidence that the **Festival Vendor** 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, or a copy of the **Festival Vendor's** birth certificate or verification of existence of at least one such document from a public database providing the same information as would be provided from the original document.
4. **Festival Vendor Sworn Written Statement:** The **Festival Vendor** must submit a **Festival Vendor Sworn Written Statement** setting forth all of the items below:
- a. Verification that the **Festival Vendor** does not have available, and is not able to provide, **Tax Information Documents** sufficient to support a claim as a business under the Business Compensation Framework.
 - b. A description of the **Festival Sales** and **Replacement Festival Sales**, made by the **Festival Vendor**, including a description of the relevant goods or services sold by the **Festival Vendor**.
 - c. A statement that (i) the **Festival Vendor** possessed and has attached copies of all required licenses and/or permits as set forth in Section II(C)2, or (ii) that no such license(s) were required.
 - d. A statement that all available receipts or records of **Festival Sales** and/or **Replacement Festival Sales** from (i) May through December 2009 and (ii) May through December 2010 that **Festival Vendor** possesses or has access to have been provided in support of the claim.
 - e. A list of each **Festival** and **Replacement Festival** in which the **Festival Vendor** participated as a vendor in 2009 and 2010, and each **Canceled Festival**. The **Festival Vendor** must also provide the following in writing, as well as the supporting documentation identified above:
 - i. the name, date(s) and location(s) of each **Festival**, or **Replacement Festival**, and, for **Canceled Festivals**, the name and originally planned date(s) and location(s);
 - ii. the name, address, business telephone number, and a brief description of any sponsor or organizer of each **Festival**, **Canceled Festival** and **Replacement Festival**;
 - iii. a description of all fees paid in connection with participation or exhibition in each **Festival**, **Canceled Festival** or **Replacement Festival**; and
 - iv. for each **Festival** or **Replacement Festival**, a statement that provides all booth or stall assignments, records of payment made by **Festival Vendor** to participate in each **Festival** or

Replacement Festival, and sales tax receipts obtained by the **Festival Vendor** in connection with their participation.

- f. To the extent the **Festival Vendor** is unable to provide documents demonstrating the revenue associated with **Festival Sales** and/or **Replacement Festival Sales**, the **Festival Vendor** should estimate the revenue from **Festival Sales** for both May through December 2009 and May through December 2010 and for **Replacement Festival Sales** from May through December 2010, and explain the basis for the estimates provided (e.g., "Sold ___ bags of peanuts at ___ per unit"). To the extent documentation exists in support of the earned income estimate (or components thereof), provide copies of such documentation.
 - g. To the extent the **Festival Vendor** is not able to provide documents demonstrating all expenses associated with the **Festival Sales** or **Replacement Festival Sales**, the **Festival Vendor** should provide a description of any materials purchased by **Festival Vendor** in connection with making the **Festival Sales** or **Replacement Festival Sales**, including the name and address of the provider of the materials, the actual or estimated costs of such materials in total and/or for each good or service item sold.
 - h. An explanation sufficient to permit the **Claims Administrator** to determine that any reduction of **Festival Vendor Earnings** from **Festival Sales** or **Replacement Festival Sales** in May through December 2010 compared to **Festival Vendor Earnings** from the same **Festivals** (and any **Festivals** canceled in 2010 due to the DWH Spill) was due to or resulting from the DWH Spill, where "**Festival Vendor Earnings**" shall be calculated as the **Festival Vendor's** total revenues less total expenses associated with **Festival Sales**.
5. **Festival Coordinator Sworn Written Statement(s):** A Sworn Written Statement from an individual representing the entity or committee responsible for organizing the **Festival** ("**Festival Coordinator**") for each **Festival**, **Canceled Festival** or **Replacement Festival** for which loss is claimed setting forth all of the following:⁹
- a. The name, address, telephone number of the **Festival Coordinator** affiant.
 - b. The name, date and location of each **Festival** or **Replacement Festival** for which the affiant served as a **Festival Coordinator** and in which the **Festival Vendor** applied to participate, and the name, address and

⁹ If the **Festival Coordinator** is willing to provide at one time information identified in subparts 5(c), 5(d) and 5(e) for all **Festival Vendors** at one time, then a single **Festival Coordinator Sworn Written Statement** shall be sufficient for all claims by **Festival Vendors**. Alternatively, the **Festival Coordinator** may prefer to provide separate **Festival Coordinator Sworn Written Statements** for each **Festival Vendor** containing the information required in subparts 5(c), 5(d) and 5(e), and this shall likewise be acceptable.

business telephone number of any sponsor or organizer of each such **Festival**, **Canceled Festival** or **Replacement Festival**.

- c. Identification of each **Festival** or **Replacement Festival** in which the **Festival Vendor** (i) submitted an application, and (ii) paid a deposit or fee, and (iii) either (a) participated, or (b) did not participate because it was a **Canceled Festival**. If the **Festival Coordinator** is providing information regarding a **Canceled Festival** that was canceled after April 20, 2010, and therefore (i) no application was submitted by the **Festival Vendor**, and/or (ii) no deposit or fee was paid by the **Festival Vendor** for the **Canceled Festival**, the **Festival Coordinator** need only provide the requested information regarding the **Festival Vendor's** participation in the same **Festival** in prior periods, as well as any information available to the **Festival Coordinator** regarding the **Festival Vendor's** expected participation in the **Canceled Festival**.
 - d. Copies of any application, or record of deposit or fee or notice of cancellation identified in (c) above.
 - e. Any applicable permit required to hold any **Festival** or **Replacement Festival**, and, if available, any **Canceled Festival**, in which the **Festival Vendor** applied to participate.
 - f. Attendance data (or an estimate) for each **Festival** in which the **Festival Vendor** participated and, if the same **Festival** was held in a prior year, attendance data (or an estimate) for the nearest prior year or period prior to the DWH Spill.
 - g. Only if the **Festival** is located in Zone C, the **Festival Coordinator** must also set forth that the **Festival** was a **Canceled Festival** or experienced a decline in attendance, compared to either the prior year or projected attendance, due to or resulting from the DWH Spill. The **Festival Coordinator** must include (i) a statement describing the reasons for the cancellation or the amount of decline, and the affiant's basis for such statements, and (ii) a statement that the **Festival Coordinator** affiant believes that the cancellation of a **Canceled Festival**, or the decline in attendance at a **Festival** during the period May 1 through December 31, 2010 was due to or resulting from the DWH Spill.
6. **Sponsor Sworn Written Statement**: If no **Festival Coordinator** affiant is available, submit a **Sworn Written Statement** from another person other than a relative who has personal knowledge of the **Festival Vendor's** participation in a **Festival** or non-participation in a **Canceled Festival** (including but not limited to a customer, fellow **Festival Vendor**, or operator of a business located within 100 feet of the **Festival Vendor's** sales location at the **Festival**), providing details regarding the **Festival** or **Canceled Festival** and the **Festival Vendor's** relationship to such **Sponsor** that shall set forth all of the following:
- a. Name, address, phone and e-mail of the **Sponsor**.

- b. Basis for the personal knowledge.
 - c. Description of the **Festival** or **Canceled Festival**.
 - d. Information regarding the **Festival Vendor's** participation in the **Festival** (including date(s), location(s) and the description of the **Festival Sales**, if applicable).
 - e. Information regarding **Canceled Festival** in which the **Festival Vendor** was scheduled and registered to participate (including date(s), location(s) and the description of the **Festival Sales**, if applicable) but did not participate because it was a **Canceled Festival**, and how the cancellation was due to or resulting from the DWH Spill.
7. The **Claims Administrator** shall evaluate the sufficiency and reliability of information provided by **Festival Vendor** and the supporting **Festival Coordinator** affiant(s), including the sworn claim form, the **Festival Vendor Sworn Written Statement**, the **Festival Coordinator Sworn Written Statement(s)**, the **Sponsor Sworn Written Statement(s)** and/or any supplemental information the **Claims Administrator** may require, to determine whether (i) **Festival Vendor** engaged in **Festival Sales** and (ii) such sales declined in the period May through December 2010.

D. Compensation Calculation

Where the **Claims Administrator** determines that causation has been established based upon (i) the Zone, or (ii) the **Festival Vendor Sworn Written Statement** and either (a) **Festival Coordinator Sworn Written Statement(s)** or (b) **Sponsor Sworn Written Statement(s)**, as well as other documentation, a **Festival Vendor** relying on this Section II may receive compensation as follows:

1. **Festival Vendors with Documentation Establishing Loss of Earnings from Festivals**
- a. **Step 1: Specify Festivals or Canceled Festivals** for which claimant incurred economic loss related to the DWH Spill.
- The **Festival Vendor** will be eligible for compensation for losses associated with each **Eligible Festival**. An "**Eligible Festival**" shall be defined as a **Festival** or **Canceled Festival** that satisfies all of the following criteria:
- i. The **Festival Vendor** must demonstrate losses associated with the **Festival**.
 - ii. The **Festival** must have taken place (or for a **Canceled Festival**, must have been originally scheduled to take place) between May 1, 2010 and December 31, 2010.

- iii. Claimant must have participated in the **Festival** in 2010, or, for **Canceled Festivals**, the claimant must provide documents establishing the cancellation, and that the claimant participated in same **Festival** in 2009.
- iv. Documentation (including **Festival Coordinator Sworn Written Statement(s)**) must be sufficient to establish loss.
- b. **Step 2: Determine Festival Vendor Earnings** in May through December 2009 from **Eligible Festivals** identified in Step 1.
- c. **Step 3: Determine Festival Vendor Earnings** from **Eligible Festival(s)** or **Replacement Festival(s)** in May through December 2010.
- d. **Step 4: Calculate Festival Vendor Lost Earnings**

Festival Vendor Lost Earnings will be calculated as the difference between **Festival Vendor Earnings** from **Eligible Festival(s)** from May through December 2009 (determined in Step 2) less **Festival Vendor Earnings** from **Eligible Festival(s)** or **Replacement Festival(s)** from May through December 2010 (determined in Step 3).

Total **Festival Vendor Lost Earnings** may not exceed \$12,000. An RTP of an amount agreed upon by the parties not to exceed 1 shall be applicable.

2. **Festival Vendor Without Sufficient Documentation Of Earnings From Festival Sales Who Relies On Festival Coordinator Sworn Statements.**

For a **Festival Vendor** without documentation sufficient to demonstrate and calculate **Festival Vendor Earnings** from **Eligible Festival(s)**, and who relies on a **Sworn Written Statement(s)** by a **Festival Coordinator**, such **Festival Vendor** will be compensated up to \$10,000, based upon the **Claims Administrator's** assessment of the credibility and reliability of the information provided by the **Festival Vendor** in support of the claim (including financial performance, completeness and accuracy of documentation, interview results, and any other relevant information). No RTP shall be applicable.

If the **Claims Administrator** has reason to question the reliability of the information provided or if the **Claims Administrator** feels that the information supplied is insufficient for a determination of the **Festival Vendor's** loss under this Section II. Then the **Claims Administrator** may request an interview of the **Festival Vendor** and/or the **Festival Coordinator**, consistent with the **Interview Procedures** set forth in the **Addendum Regarding Interviews of Claimants Alleging Economic Loss**.

The **Claims Administrator** shall determine the Final Compensation Amount based on the information provided by the **Festival Vendor** and the supporting **Festival Coordinator** affiant(s), including the sworn claim form, the **Festival Vendor Sworn Written Statement**, the **Festival Coordinator Sworn Written Statement(s)**, the **Sponsor Sworn Written Statement(s)**, interviews and/or any supplemental information the **Claims Administrator** may require the **Festival**

Vendor to provide to support the claim. The **Claims Administrator** may rely on his credibility and reliability determinations in determining the Final Compensation Amount, if any, to be provided to the **Festival Vendor**.

Attachment A

COVERED SALES

1. Peanuts (boiled or roasted) or popcorn
2. Hot dogs
3. Ice Cream
4. Snow Cones
5. Tattoos
6. Snakes
7. Beads
8. Fresh fish or shellfish
9. Jams, jellies and preserves, and other canned fruit and vegetables
10. Fruit
11. Small wood carvings such as wood clocks, statues or wall hangings
12. Shell jewelry
13. Street artists, caricaturists, or facepainters
14. Street performers, mimes and magicians
15. Sellers of clothing specifically promoting the city, beaches or other tourism activities (sports teams, fishing, etc.)
16. Hair-weaving and braiding (not including cutting and hairdressing)
17. Shallow Water Divers in portions of the Gulf contained in the Class Definition
18. Boat Repair Divers in portions of the Gulf contained in the Class Definition
19. Swamp Boat and Air Boat Operators in portions of the Gulf contained in the Class Definition
20. Parasail, scuba and snorkel teachers/operators in portions of the Gulf contained in the Class Definition

Expressly excluded from this Framework are Deepwater Divers and any individuals working on an Oil Rig.

Attachment B

INCLUDED IN FESTIVALS

1. Street festivals or fairs (excluding neighborhood block parties or garage sales or flea markets)
2. Outdoor art exhibitions (same exclusions)
3. Fishing tournaments
4. Golf tournaments
5. Boating tournaments
6. Rodeos
7. 4-H competitions
8. Major college or professional sports events (not including regular season games, local club or K-12 school events)
9. Carnivals

EXHIBIT 8E

**Addendum Regarding Interviews Of Claimants Alleging Individual Economic Loss
And Other Individuals Providing Sworn Statements In Support Of Such A Claim**

The Parties agree to the following proposed Addendum, which applies where it is referenced in the Framework for Individual Economic Loss Claims, subject to the understanding that it is contingent on the concurrence of the selected Claims Administrator¹ that the terms, conditions and deadlines set forth in the addendum are realistic and achievable.

If, after reviewing the Claim Form, and other information submitted by or on behalf of the claimant (collectively, the "**Claim Submission**"), the **Claims Administrator** believes there is a reasonable basis to question the credibility and reliability of information in the **Claim Submission**, the **Claims Administrator** may interview the claimant and/or any other individual providing a sworn statement in support of the claimant's claim, in order to resolve any such question regarding reliability. Such interviews may, at the **Claims Administrator's** option, be conducted in-person, by telephone or electronically (e.g., via Skype).

1. Deadline To Conduct Interviews. The **Claims Administrator** shall use their best efforts to conduct any interview of a claimant, and/or any other individual providing a sworn statement in support of the claimant's claim, within 45 (forty-five) days of the **Claims Administrator's** acknowledgment of a complete **Claim Submission**, provided that such 45-day limit cannot start to run until after the announced opening of the **Class Action Settlement Facility**.² At the Claimant's option, the interview period can be extended further; any such extension request by the claimant and agreed-upon extension shall be documented by the **Claims Administrator**. If at any time the Claims Facility receives and/or has pending a number of claims within Category IV of the **Individual Compensation Framework** such that the above deadline cannot be met despite the **Claims Administrator's** good faith compliance with all of the other provisions of this Addendum, the **Claims Administrator** will promptly so advise Lead Class Counsel and BP Counsel so that the parties can seek resolution of the issue through the Claims Administration Panel.
2. Timing And Location Of Interviews. The **Claims Administrator** shall use their best efforts to arrange to conduct interviews at a time and location convenient to the claimant and/or other interviewee. The claimant may provide the **Claims Administrator** with reasonable advance notice of convenient times and locations and the **Claims Administrator** shall seek in good faith to honor such scheduling and location requests.
3. Interviewing Staff. The **Claims Administrator** shall use their best efforts to recruit and train a claims staff that is of diverse races, ethnicities, and genders matching the communities served by the Claims Facility and its offices, and who have the cultural background, training and language skills required to interview claimants or other individuals in their native languages, including but not limited to Vietnamese, Khmer, and Native American languages and cultures. To the extent claimants, or other individuals providing a sworn statement in support of claims,

¹ As explained in Economic and Property Damages Settlement Agreement §§ 3.3.3 and 3.3.6, the Claims Administrator is responsible for overseeing the Claims Administration Vendors who process claims.

² The Claims Administrator will determine the opening date of the Claims Facility.

and they or their representatives request that any interview be conducted by an individual of the same ethnic background, the **Claims Administrator** shall endeavor in good faith to comply with that request. If and to the extent the **Claims Administrator** concludes compliance with this provision are causing significant delay in claims processing, they shall bring the issue to the attention of Lead Class Counsel and BP Counsel so that the parties can seek resolution of the issue through the Claims Administration Panel.

4. Limitations on interviews. To the extent provisions of the **Individual Compensation Framework** impose limitations on the number of interviews that may be conducted of claimants in certain categories, or individuals supporting their claims, for purposes of resolving questions of reliability, the **Claims Administrator** shall comply with such limitations.
5. The **Claims Administrator** shall maintain records documenting their compliance with the requirements of this Addendum.
6. Nothing in this paragraph or in the **Individual Compensation Framework** is intended, nor shall it be construed, to limit in any way the right and obligation of the **Claims Administrator** and/or **Claims Administrator** to investigate fully all suspicions of fraudulent conduct by or on behalf of any claimant, including but not limited to conducting any interviews and obtaining any documents the **Claims Administrator** deems necessary.

EXHIBIT 9

Framework For Subsistence Claims

A. Eligibility

1. Only claimants who satisfy the “**Subsistence Claimant**” definition shall be eligible for compensation pursuant to this **Framework for Subsistence Claims**.
2. “**Subsistence Claimant**” shall be defined as follows: (i) a Natural Person who satisfies the Class Definition, (ii) who fishes or hunts to harvest, catch, barter, consume or trade Gulf of Mexico natural resources (including **Seafood** and **Game**¹), in a traditional or customary manner, to sustain his or her basic personal or family dietary, economic security, shelter, tool, or clothing needs², and (iii) who relied upon subsistence resources that were diminished or restricted in the geographic region used by the claimant due to or resulting from the DWH Spill.
3. The **Subsistence Claimant** definition includes claimants who satisfy the definitions of a **Commercial Fisherman** and **Seafood Crew**, provided such claimants satisfy the other elements of the **Subsistence Claimant** definition and provide the documentation listed below.³
4. The **Subsistence Claimant** definition does not include **Recreational Fishermen** or **Recreational Hunters**. “**Recreational Fishermen**” shall be defined as Natural Persons who fish for pleasure or sport. “**Recreational Hunters**” shall be defined as Natural Persons who hunt for pleasure or sport. The **Subsistence Claimant** definition does include claimants who hold a Recreational Fishing license, provided such claimants satisfy the other elements of the **Subsistence Claimant** definition and provide the documentation listed below.

B. Compensation

1. Identify the time period of loss of subsistence use consistent with the closure or impairment of geographic areas relied upon by the Claimant between April 20, 2010 and December 31, 2011.
2. Identify the quantity of lost natural resources, including **Seafood** and **Game**. This will include quantity of natural resources given to members of Claimant’s extended family unit for their personal consumption or for the purposes of barter. In making the determination, the Claims Administrator must evaluate any lost

¹ “**Game**” is defined as nutria, mink, otters, raccoons, muskrats, alligators, and other wetlands and coastal wildlife.

² This definition is derived from various statutory and regulatory sources (e.g., ANILCA, Coast Guard) revised to reflect the socio-economic realities of the Gulf Coast ethnic, traditional, and customary subsistence communities and individuals.

³ The definitions of **Seafood**, **Commercial Fisherman** and **Seafood Crew** from the **Seafood Distribution Chain** Definitions document shall apply herein.

earnings claim also submitted by the claimant for compensation under the Seafood Program to ensure that any in-kind **Seafood** compensation received by the claimant is appropriately allocated between the claimant's lost earnings and subsistence claims. For example, **Seafood** sold by the claimant, rather than used for barter should be allocated toward lost earnings which shall be compensated through the Seafood Program.

- a. Quantity of lost natural resources will be determined based on information provided by the claimant in intake forms and interviews with the Claims Administrator.
 - b. Quantity of lost natural resources will be calculated in, or converted to, measures of consumable retail product by the Claims Administrator.
 - c. Quantities of lost natural resources shall not exceed reasonable consumption rates as determined by the Claims Administrator.
3. Calculate the **Total Value of Loss of Subsistence Use of Natural Resources** by multiplying the quantity in pounds by average post-spill retail price or, if unavailable, an estimated retail price based on a reasonable proxy. Average post-spill retail prices, and any proxies there for, will be determined the Parties based on, where available, data on retail prices for Gulf of Mexico natural resources, and be subject to approval by the Claims Administration Panel. The Parties shall provide a chart of the approved, mutually agreed-upon prices to the Claims Administrator for use in calculation of Subsistence claims.
 4. Claimant will receive a Risk Transfer Premium ("RTP") of 2.25, in order to compensate for factors including value of Subsistence use, including damage to subsistence family and community customs and culture.
 5. Claimant's compensation pursuant to this Framework For Subsistence Claims shall be equal to the sum of (i) the Claimant's **Total Value of Lost Natural Resources** calculated in B(3) plus (ii) the Claimant's **Total Value of Lost Natural Resources** multiplied by 2.25.

C. Documentation Requirements

The Claimant must provide sufficient information for the Claims Administrator to determine (1) that the claimant satisfies the **Subsistence Claimant** definition and, (2) the quantity of Gulf of Mexico natural resources from within the **Class Definition** geographic area lost by the **Subsistence Claimant** during the time period April 20, 2010 to December 31, 2011. The required documents shall include:

1. The Gulf of Mexico location(s) within the **Class Definition** geographic area where claimant fished or hunted or utilized Gulf of Mexico natural resources immediately prior to the oil spill.

- a. **Type of documentation:** (1) Identification on map and narrative description on claims form; (2) narrative description on claims form of equipment used to fish or hunt; and (3) affidavit verifying location of claimant's fishing or hunting grounds.
2. The location where the claimant fished or hunted or utilized Gulf of Mexico natural resources between April 20, 2010 and December 31, 2011.
 - a. **Type of documentation:** Information provided by claimant on claims form.
3. Length of time that fishing or hunting areas were closed or impaired as a result of the spill.
 - a. **Type of documentation:** Information provided by claimant on claims form, to be confirmed by claims facility by reference to closure maps and other relevant reports.
4. Prior to spill, claimant relied upon the fishing or hunting area at issue for subsistence purposes as defined above.
 - a. **Type of documentation:** (1) Claimant to specify on claims form number of people in the extended family unit who rely on natural resources caught by the Subsistence Claimant, the specific species and amounts of natural resources relied upon, the percentage of subsistence source that natural resources from closed or impaired areas provided prior to the spill, and (2) a supporting affidavit.⁴ Following an interview with the claimant, members of the claims administration staff may, at their discretion, require an additional affidavit from a third party or other appropriate supporting information.
5. Copy of state and/or federal commercial or recreational fishing and/or hunting license. Deckhands or others that are not required to possess a fishing license are excused from this requirement.

D. Court-Appointed Distribution Agents Audit Process

BP, the PSC and the Claims Administrator shall jointly propose a Court-Appointed Distribution Agent ("CADA"). Upon approval, the CADA shall work under the direction and supervision of the Claims Administrator. The CADA shall establish a dedicated team to assist Subsistence claimants in completing the claim form and collecting supporting documentation, and will also confirm the eligibility status of the claimants. The CADA will conduct subsistence interviews with claimants and apply the

⁴ The Parties shall collaborate on a form affidavit for Subsistence Claimants, which shall be subject to approval by the Claims Administrator Panel.

compensation formula. The CADA team shall establish a physical presence and a reasonable operating schedule to allow claimants to be interviewed in their geographical area including at Landing Dock locations.

E. Field Visits

There is no pre-set cap on payment amounts for Subsistence claims. However, the CADA will not pay Subsistence claims with a base amount greater than \$10,000 per extended family unit without conducting a field visit and investigation as to the accuracy of the claim prior to the payment.

F. RTP

An RTP of 2.25 shall be applied to the base compensation amount.

EXHIBIT 10

SEAFOOD COMPENSATION PROGRAM**TABLE OF CONTENTS**

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SEAFOOD COMPENSATION PROGRAM

OVERVIEW

The Seafood Compensation Program shall cover and compensate Commercial Fishermen, Seafood Boat Captains, all other Seafood Crew, Oyster Leaseholders, and Seafood Vessel Owners for economic loss claims relating to Seafood.¹ All economic loss claims by Commercial Fishermen, Seafood Boat Captains, all other Seafood Crew, Oyster Leaseholders, and Seafood Vessel Owners relating to Seafood will be part of and must be brought under the Seafood Compensation Program.²

The Seafood Compensation Program is divided into the following compensation categories and claim types:

TABLE 1

CATEGORY	COMPENSABLE CLAIMS
Shrimp	<ul style="list-style-type: none"> • Vessel Owner/Commercial Fisherman Vessel Lessee claims • Boat Captain claims
Oyster	<ul style="list-style-type: none"> • Leaseholder Interest claims • Leaseholder Lost Income claims • Vessel Owner/Oyster Harvester Vessel Lessee claims • Boat Captain claims
Finfish	<ul style="list-style-type: none"> • Vessel Owner/Commercial Fisherman Vessel Lessee claims • Boat Captain claims • Individual Fishing Quota holder claims
Blue Crab/Other Seafood	<ul style="list-style-type: none"> • Vessel Owner/Commercial Fisherman Vessel Lessee claims (including crab trap damage) • Boat Captain claims

¹ The terms Commercial Fisherman, Seafood Boat Captains, Seafood Crew, Oyster Leaseholders and Seafood Vessel Owners as defined in the “Seafood Distribution Chain Definitions” (Exhibit 3 to the *Deepwater Horizon* Economic and Property Damages Settlement Agreement) shall apply in this Seafood Compensation Program.

² To the extent terms herein are defined in the *Deepwater Horizon* Economic And Property Damages Settlement Agreement, those definitions shall apply in the Seafood Compensation Program. Nevertheless, any term specifically defined within the Seafood Compensation Program, shall be interpreted as set forth in this Seafood Compensation Program, notwithstanding any contrary definition in the *Deepwater Horizon* Economic And Property Damages Settlement Agreement.

CATEGORY	COMPENSABLE CLAIMS
Seafood Crew (excluding Boat Captains) for all Seafood industries	<ul style="list-style-type: none"> • Crew claimants with standard documentation • Crew claimants with documentation supplied by employer • Crew claimants with documentation supplied by non-employers

For each category and compensable claim type, a Claimant will have to establish that the Claimant is a Class Member and meets the separate eligibility requirements defined below. In addition, Claimants are subject to the requirements of the *Deepwater Horizon* Economic And Property Damages Settlement Agreement and any applicable Court order, except as otherwise modified or provided by the Seafood Compensation Program.

Claimants are able to file a single Seafood Compensation Program Sworn Claim Form seeking compensation for multiple compensable claims. A Claimant filing a claim under the different plan in the Seafood Compensation Program, may be required to use different historical information for the Benchmark Period and must review the definition of Benchmark Period in each plan. For example, the Claimant may use a different Benchmark Period for the Claimant's claim under the Shrimp Compensation Plan and the Claimant's claim under the Oyster Compensation Plan. The following provides a non-exhaustive list of examples in which a single claimant might be eligible to receive compensation for multiple compensable claims:

- A shrimp Vessel Owner/Commercial Fisherman Vessel Lessee who is also a shrimp Boat Captain may be eligible to receive compensation both as a shrimp Vessel Owner/Commercial Fisherman Vessel Lessee and shrimp Boat Captain.
- An oyster leaseholder may be eligible to receive compensation for both Leaseholder Interest and Leaseholder Lost Income claims. If the oyster leaseholder claimant is also a Vessel Owner/Commercial Fisherman Vessel Lessee and a Boat Captain, that claimant may be eligible to receive compensation as both an oyster Vessel Owner/Commercial Fisherman Vessel Lessee and an oyster Boat Captain.
- A claimant who is a Boat Captain for vessel(s) in both the blue crab industry and shrimp industry may be eligible to receive compensation under applicable blue crab and shrimp categories.

Seafood Compensation Program Sworn Claim Forms may be submitted at any time after entry of the Preliminary Approval Order, but no later than thirty (30) days from the date of entry of the Final Order and Judgment of the District Court ruling upon final approval of the Settlement (**Bar Date**). Claims will be processed and paid as expeditiously as possible by the Claims Administrator.

It is expressly acknowledged that the fact that a Claimant has made a claim and/or received compensation under the Seafood Compensation Program, does not preclude that claimant from making an independent claim and/or receiving compensation under the *Deepwater Horizon* Economic And Property Damages Settlement Agreement.

Compensation received by an eligible Claimant under the Seafood Compensation Program will be reduced by the amount of prior Seafood Spill-Related Payments as described in the Seafood Spill Related Payment Reduction Procedures in this document.³ No other reductions to the compensation amount under the Seafood Compensation Program will be taken, including compensation received for work in the VoO Program or compensation for VoO Damages under the Settlement.

The Seafood Compensation Program shall cover and compensate the economic loss claims for Commercial Fishermen, Seafood Crew, Oyster Leaseholders, and Seafood Vessel Owners. It does not cover subsistence claims.

General Framework and Overview of Seafood Compensation Program Distribution

The Seafood Compensation Program is estimated to result in prompt claims payments totaling more than \$1.9 billion representing approximately 83% of the \$2.3 billion Seafood Compensation Program Amount. After applying the terms of the *Deepwater Horizon* Economic And Property Damages Settlement Agreement (including determining the Seafood Compensation Program Amount) and paying the eligible Seafood Compensation Program claims, the Claims Administrator shall determine the amount of funds, if any, constituting the remaining Seafood Compensation Program Amount. In the event there are Seafood Compensation Program Amount funds remaining, such funds will be distributed to claimants that received compensation from the Seafood Compensation Program. The balance will be distributed to each Claimant in proportion to the Claimant's gross compensation expressed as a share of the gross compensation paid by the Claims Administrator to all claimants under the Seafood Compensation Program.⁴ Gross compensation reflects compensation paid by the Claims Administrator prior to deduction for Seafood Spill-Related Payments. If, however, the Court-Appointed Neutral determines that a distribution other than purely proportional would be more appropriate in light of the information available at the time of the second distribution, he may recommend to the Court that the second distribution be reallocated in an alternative fashion. Any such reallocation will be subject to court approval.

³ Seafood Spill-Related Payments are defined as compensation paid to a claimant through the OPA Process, by BP, the GCCF, or through the Transition Facility for economic loss claims relating to Seafood.

⁴ All claimants who receive compensation under the Seafood Compensation Program are entitled to a share of the distribution of the balance whether or not their individual claims have been characterized as "lump sum" or a similar term, and whether or not they are members of Categories II and III of the Seafood Crew Compensation Plan (each of which provides for an Aggregate Compensation Amount, which shall not apply as a limitation to a Claimant's entitlement to a share of the balance to be distributed).

SHRIMP COMPENSATION PLAN

Generally Applicable Provisions of the Shrimp Compensation Plan:

1. Eligible Claimants shall be comprised of Class Members (i) who do not fall within the exclusions to the Economic Loss and Property Class Definition, (ii) who are Vessel Owners, Commercial Fishermen who lease Seafood Vessels (Commercial Fisherman Vessel Lessee), and/or Seafood Boat Captains that derive earnings from commercial shrimping and (iii) who meet the additional criteria listed in this Shrimp Compensation Plan.
2. It is understood that in some instances, the Vessel Owner is also the Commercial Fisherman; however, it may be the case that the Vessel Owner leased the vessel to a Commercial Fisherman. In those instances where the vessel was leased during the time period of April 20, 2010 to December 31, 2010, the Vessel Owner and Commercial Fisherman Vessel Lessee must file the vessel claim jointly in order to receive compensation prior to the **Bar Date**, and they shall share any Vessel Owner/Commercial Fisherman Vessel Lessee compensation provided for in this Shrimp Compensation Plan. If at the time of the **Bar Date** either the Vessel Owner or the Commercial Fisherman Vessel Lessee has not filed a claim, the one that has filed the claim shall receive the full Vessel Owner/Commercial Fisherman Vessel Lessee compensation for the vessel. The allocation of compensation between Vessel Owner and Commercial Fisherman Vessel Lessee shall be determined as provided in Section V. If the vessel was not leased to a Commercial Fisherman Vessel Lessee during the time period of April 20, 2010 to December 31, 2010, the Vessel Owner is entitled to the full Vessel Owner/Commercial Fisherman Vessel Lessee compensation for the vessel.
3. It is understood that in some instances, the Vessel Owner and/or the Commercial Fisherman Vessel Lessee is also the Boat Captain. In those instances where the Vessel Owner and/or the Commercial Fisherman Vessel Lessee were also the Boat Captain, they shall be eligible to receive the Boat Captain compensation portion for the vessel under the Shrimp Compensation Plan as set forth below. If the Vessel Owner and/or Commercial Fisherman Vessel Lessee employed a Boat Captain on the vessel and did not serve as a Boat Captain on that vessel, the hired Boat Captain is eligible for the Boat Captain compensation, not the Vessel Owner or Commercial Fisherman Vessel Lessee.
4. To establish eligibility to participate in the Shrimp Compensation Plan, a Vessel Owner Claimant must provide for each vessel(s) for which the Claimant is seeking compensation:
 - A. Proof of ownership of the vessel during the time period of April 20, 2010 to December 31, 2010.
 - B. Proof that as of April 20, 2010 there was a government license (even if it had expired before that date) that authorized that vessel to commercially fish for shrimp in the Specified Gulf Waters for the 2009 season or the 2010 season. However, a Vessel Owner who did not have such a license for the vessel can

participate in the Shrimp Compensation Plan for that vessel if the Claimant can establish the criteria for the New Entrant Compensation Method as described in Section III below.

- C. The vessel name and any applicable federal and/or state vessel registration numbers.
 - D. Proof that either:
 - 1. the vessel was home ported in the Gulf Coast Areas at any time from April 20, 2010 to April 16, 2012; or,
 - 2. the vessel landed shrimp in the Gulf Coast Areas at any time from April 20, 2009 to April 16, 2012.
 - E. A sworn statement attesting as to whether or not the vessel was leased during the time period April 20, 2010 to December 31, 2010. If the vessel was leased during this time period, the Vessel Owner must provide a copy of the lease agreement.
 - F. A sworn statement attesting as to whether or not the Vessel Owner was the Boat Captain for that vessel during January 1, 2007 through December 31, 2009. If the Vessel Owner was not the sole Boat Captain for that vessel for some portion of January 1, 2007 through December 31, 2009, to the extent possible, the Claimant shall identify all other Boat Captains employed on the vessel and the time periods for which the Boat Captains were employed.
5. To establish eligibility to participate in the Shrimp Compensation Plan, a Commercial Fisherman Vessel Lessee must provide for each vessel for which the claimant seeks compensation:
- A. Proof that during the period of April 20, 2010 through December 30, 2010 the Claimant leased the vessel to be used for commercial shrimping.
 - B. Proof that as of April 20, 2010 there was a government license (even if it had expired before that date) that authorized that vessel to commercially fish for shrimp in the Specified Gulf Waters for the 2009 season or the 2010 season. However, a Commercial Fisherman Vessel Lessee who did not have such a license for the vessel can participate in the Shrimp Compensation Plan for that vessel if the Claimant can establish the criteria for the New Entrant Compensation Method as described in Section III below.
 - C. The vessel name and any applicable federal and/or state vessel registration identification numbers.
 - D. Proof that either:
 - 1. the vessel was home ported in the Gulf Coast Areas at any time from April 20, 2010 to April 16, 2012; or,

2. the vessel landed shrimp in the Gulf Coast Areas at any time from April 20, 2009 to April 16, 2012.
 - E. A sworn statement, attesting that the Commercial Fisherman Vessel Lessee leased the vessel during the time period of April 20, 2010 to December 31, 2010. The Commercial Fisherman Vessel Lessee must also provide a copy of the lease agreement for the vessel.
 - F. A sworn statement attesting as to whether or not the Commercial Fisherman Vessel Lessee was the Boat Captain for that vessel during January 1, 2007 through December 31, 2009. If the Commercial Fisherman Vessel Lessee was not the sole Boat Captain for that vessel for some portion of January 1, 2007 through December 31, 2009, to the extent possible, the Claimant shall identify all other Boat Captains employed on the vessel and the time periods for which the Boat Captains were employed.
6. To establish eligibility to participate in the Shrimp Compensation Plan a Boat Captain must provide:
- A. Proof that as of April 20, 2010 the Boat Captain held a governmental license (even if it had expired before that date) authorizing the Claimant to operate as a Boat Captain and/or to commercially fish for shrimp in the Specified Gulf Waters for the 2009 season or the 2010 season.
 - B. Proof that either the Boat Captain worked:
 1. on one or more commercial shrimping vessels home ported in the Gulf Coast Areas at any time from April 20, 2010 to April 16, 2012; or,
 2. on one or more commercial shrimping vessels that landed shrimp in the Gulf Coast Areas at any time from April 20, 2009 to April 16, 2012.
7. A Vessel Owner/Commercial Fisherman Vessel Lessee who does not have either a 2009 or 2010 fishing license or proof of shrimp landings in 2009, 2010 or 2011 can participate in the Shrimp Compensation Program if that Vessel Owner can establish the criteria for the New Entrant Compensation Method as defined in Section III below. Additionally, a Boat Captain who had not previously worked as a Boat Captain for a commercial shrimping vessel in the Gulf Coast Areas and who prior to April 20, 2010 had a written job offer for employment as a Boat Captain on a vessel home ported in the Gulf Coast Areas for the 2010 shrimping season may be able to establish the criteria for the New Entrant Compensation Method as defined in Section III below.
8. A Sworn Statement attesting whether or not the Claimant received any Seafood Spill-Related Payments. If the Claimant received Seafood Spill-Related Payments, the Claimant shall provide documents⁵ sufficient to establish the timing, amount and source

⁵ When documents are requested in the Seafood Compensation Program, Claimant may provide either legible copies or originals of the documents.

of Seafood Spill-Related Payments, including documents providing the claimant's BP/GCCF/Transition Facility Claim Number, if applicable, and any corresponding payments.

Shrimp Compensation Plan Definitions:

Benchmark Period⁶ is selected by the Claimant and can be (i) 2009, (ii) 2008 and 2009, or (iii) 2007, 2008 and 2009. If the Claimant elects to use years 2008 and 2009 or 2007, 2008, and 2009, the annual revenue amounts shall be averaged. In the event the Claims Administrator determines that the Claimant (individual or vessel) did not participate at the same level of effort in shrimp harvesting due to circumstances beyond the Claimant's control (such as illness, disability or major mechanical failure), the Claims Administrator may at his discretion allow the Claimant to exclude one or more years of the Benchmark Period.

A Vessel Owner or Commercial Fisherman Vessel Lessee must submit separate Vessel Owner/Commercial Fisherman Vessel Lessee claims for each vessel they owned or leased and may select different Benchmark Periods for different vessels.

A Boat Captain's claim reflects the Claimant's activities on all vessels, and the Boat Captain must select a single Benchmark Period for the Claimant's claim.

A Vessel Owner or Commercial Fisherman Vessel Lessee who also submits a Boat Captain claim may select different Benchmark Periods for the Claimant's Vessel Owner/Commercial Fisherman Vessel Lessee claim and the Claimant's Boat Captain claim.

Compensation Plan Methods:

There are four methods for a Vessel Owner/Commercial Fisherman Vessel Lessee and/or Boat Captain to be compensated under the Shrimp Compensation Plan. The options are:

- Expedited Compensation Method
- Reduced Expedited Compensation Method
- New Entrant Compensation Method
- Historical Revenue Method

A Vessel Owner or Commercial Fisherman Vessel Lessee may select different Compensation Plan Methods for different vessels. There is no qualifying revenue level required for the Historical Revenue Method. The qualifying vessel revenue for the Expedited Compensation Method and Reduced Expedited Compensation Method is summarized in the second column of Table 2 and the compensation amount is summarized in the third column. The eligibility, documentation and details of each method are described more fully in Sections I and II below.

⁶ For the Seafood Compensation Program, the Benchmark Period is defined independently for each Seafood Compensation Program Plan and is set forth within the specific Plan. Definitions of Benchmark Period in any other frameworks in the *Deepwater Horizon* Economic And Property Damages Settlement Agreement do not apply in the Seafood Compensation Program.

A Boat Captain must select a single Compensation Method for his claim. There is no qualifying revenue for the Historical Revenue Method. The qualifying vessel revenue for the Expedited Compensation Method and Reduced Expedited Compensation Method must be made based on revenue for a single vessel size and type category (but not necessarily for a single vessel). The qualifying revenue for the Expedited Compensation Method and Reduced Expedited Compensation Method is summarized in the second column of Table 2 and the compensation amount is summarized in the third and fourth columns. The eligibility, documentation and details of each method are described more fully in Sections I and II below.

TABLE 2

**Qualifying Vessel Revenue and Compensation for Expedited
and Reduced Expedited Methods**

Vessel Size	Qualifying Vessel Revenue	Vessel Owner/Commercial Fisherman Vessel Lessee Compensation	Boat Captain Compensation
Expedited Method:			
< 30 feet	\$32,500	\$104,063	\$92,813
30 - 44 feet	\$40,000	\$135,281	\$107,250
45 - 74 feet (Ice)	\$90,000	\$270,563	\$160,875
45 - 74 feet (Freezer)	\$275,000	\$478,688	\$284,625
75+ feet (Ice)	\$225,000	\$416,250	\$206,250
75+ feet (Freezer)	\$400,000	\$582,750	\$288,750
Reduced Expedited Method:			
< 30 feet	N/A	N/A	N/A
30 - 44 feet	\$25,000	\$62,438	\$49,500
45 - 74 feet (Ice)	\$50,000	\$145,688	\$86,625
45 - 74 feet (Freezer)	\$200,000	\$333,000	\$198,000
75+ feet (Ice)	\$150,000	\$291,375	\$144,375
75+ feet (Freezer)	\$290,000	\$457,875	\$226,875

I. Expedited Compensation Method

A. Eligibility Requirements

1. Vessel Owner/Commercial Fisherman Vessel Lessee

In order to qualify for compensation under the Expedited Compensation Method, the Vessel Owner/Commercial Fisherman Vessel Lessee must provide for each vessel:

- a. A copy of the 2009 or 2010 governmental issued vessel registration for each of Claimant's vessel(s) establishing the home port of the vessel was within the states of Louisiana, Mississippi and Alabama or a Florida registered vessel with its home port in the counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty, Franklin, Gadsden, Leon, Wakulla in the State of Florida; and,
- b. Proof of revenue from commercial shrimping equal to or greater than the Qualifying Revenue in Table 3 based on vessel size and type for the Benchmark Period.

2. Boat Captains

In order to qualify for compensation under the Expedited Compensation Method, the Boat Captain must provide for each vessel:

- a. Proof that during the Benchmark Period:
 - i. the Claimant was a Boat Captain on a commercial shrimping vessel with the home port of the vessel that was within the states of Louisiana, Mississippi and Alabama or a Florida registered vessel with its home port in the counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty, Franklin, Gadsden, Leon, Wakulla in the State of Florida; and,
 - ii. the vessel had revenue from commercial shrimping equal to or greater than the Qualifying Revenue in Table 3 based on vessel size and type for the Benchmark Period. A Boat Captain may combine vessel revenue from multiple vessels of the same size and type for the Benchmark Period; and,
 - iii. the Claimant was the Boat Captain of the vessel during the time period for which the vessel generated the revenue on which the Claimant relies to establish the Qualifying Revenue for the Benchmark Period reported in Table 3.

TABLE 3

VESSEL SIZE	QUALIFYING VESSEL REVENUE
<30 feet	\$32,500
30-44 feet	\$40,000
45-74 feet Ice	\$90,000
45-74 feet Freezer	\$275,000
75+ feet Ice	\$225,000
75+ feet Freezer	\$400,000

B. Documentation Required**1. Vessel Owners/Commercial Fisherman Vessel Lessees**

Vessel Owners/Commercial Fisherman Vessel Lessees seeking compensation under the Expedited Compensation Method must provide documents sufficient to prove eligibility pursuant to the applicable paragraphs of the “Generally Applicable Provisions of the Shrimp Compensation Plan” and the requirements in Section I.A.1, and to determine compensation pursuant to Section I.C below, including the following:

- a. Trip Tickets or their equivalents such as dealer forms, which show the volume of shrimp harvested and the sales price as shown on the trip tickets or their equivalents for the Benchmark Period. The total volume multiplied by the price will be the applicable gross revenue.

– OR –

- b. Federal or state tax and financial information as follows:
 - i. If Claimant is an entity, federal or state tax returns and sufficient documentation to identify those components of gross revenue derived from commercial shrimp harvesting by vessel for the Benchmark Period for each vessel for which the Claimant submits a Vessel Owner/Commercial Fisherman Vessel Lessee claim.
 - ii. If Claimant is an individual, federal form 1040 including Schedules C, E and F or state tax forms with supporting documents, as well as sufficient documentation to identify those components of earnings derived from commercial shrimp harvesting by vessel for the Benchmark Period.
 - iii. In addition, the Claimant must provide sufficient documentation for the Claims Administrator to be able to identify (i) Claimant’s revenue from shrimping as

compared to other sources, (ii) Claimant's revenue from landings in the Gulf Coast Areas. If necessary, the Claims Administrator may require supplemental information from the Claimant in order to make these determinations.

- c. Also, the Claimant must provide documentation sufficient to establish the vessel size and type for each vessel for which the Claimant seeks compensation.
- d. In addition, if available, it is requested that the Claimant also provide the following documents, to assist the Claims Administrator:
 - i. Vessel log book
 - ii. Share sheets
 - iii. Sales or other production reports maintained in the normal course of business.

2. Boat Captains

Boat Captains seeking compensation under the Expedited Compensation Method must provide documents sufficient to prove eligibility pursuant to the applicable paragraphs of the "Generally Applicable Provisions of the Shrimp Compensation Plan" and the eligibility requirements in Section I.A.2, and to determine compensation pursuant to Section I.C below, including the following:

- a. Trip Tickets or their equivalents for each vessel, which show the volume of shrimp harvested and the sales price as shown on the trip tickets or their equivalents for the Benchmark Period. The total volume multiplied by the price will be the applicable gross revenue.

– OR –
- b. Federal tax returns, including Schedules C, E and F, W-2s, and 1099s or state tax returns and supporting documents for the Benchmark Period and sufficient documentation to identify those components of earnings derived from commercial shrimp harvesting for the Benchmark Period for the vessel(s) selected by the Claimant. In addition, the Claimant must provide sufficient documentation for the Claims Administrator to be able to identify revenue from shrimp landings in the Gulf Coast Areas for each vessel while the Claimant was Boat Captain. If necessary, the Claims Administrator may require supplemental information from the Claimant in order to make these determinations.

- c. Also, the Claimant must provide documentation sufficient to establish the vessel size and type for the vessel(s) for which the Claimant seeks compensation.
- d. In addition, if available, it is requested that the Claimant also provide the following documents, to assist the Claims Administrator:
 - i. Captain's log book
 - ii. Vessel log book
 - iii. Share sheets
 - iv. Sales or other production reports maintained in the normal course of business.

C. Compensation Amounts

1. Vessel Owner/Commercial Fisherman Vessel Lessee Compensation

If the Claims Administrator determines that the Vessel Owner or Commercial Fisherman Vessel Lessee has provided necessary proof of eligibility and the required documentation, the Claimant shall receive the Vessel Owner/Commercial Fisherman Vessel Lessee Compensation for the vessel set forth in Table 4. The Vessel Owner/Commercial Fisherman Vessel Lessee Compensation includes an RTP of 8.25. A Claimant may have more than one vessel and is eligible for compensation for each vessel for which the Claimant independently satisfies the eligibility and documentation requirements.

TABLE 4

VESSEL SIZE	VESSEL OWNER/COMMERCIAL FISHERMAN VESSEL LESSEE COMPENSATION
<30 feet	\$104,063
30-44 feet	\$135,281
45-74 feet Ice	\$270,563
45-74 feet Freezer	\$478,688
75+ feet Ice	\$416,250
75+ feet Freezer	\$582,750

2. Boat Captain Compensation

If the Claims Administrator determines that the Boat Captain has provided necessary proof of eligibility and the required documentation for a vessel, the Claimant shall receive the Boat

Captain Compensation set forth in Table 5. The Boat Captain Compensation includes an RTP of 7.25.

TABLE 5

VESSEL SIZE	BOAT CAPTAIN COMPENSATION
<30 feet	\$92,813
30-44 feet	\$107,250
45-74 feet Ice	\$160,875
45-74 feet Freezer	\$284,625
75+ feet Ice	\$206,250
75+ feet Freezer	\$288,750

II. Reduced Expedited Compensation Method

If a Claimant does not qualify for the Expedited Compensation Method, the Claimant may qualify for the Reduced Expedited Compensation Method for each vessel.

A. Eligibility Requirements

1. Vessel Owner/Commercial Fisherman Vessel Lessee

In order to qualify for compensation under the Reduced Expedited Compensation Method, the Vessel Owner/Commercial Fisherman Vessel Lessee must provide for each vessel:

- a. A copy of the 2009 or 2010 governmental issued vessel registration for each of Claimant's vessel(s) establishing the home port of the vessel was within the states of Louisiana, Mississippi and Alabama or a Florida registered vessel with its home port in the counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty, Franklin, Gadsden, Leon, Wakulla in the State of Florida; and,
- b. Proof of revenue from commercial shrimping equal to or greater than the Qualifying Revenue in Table 6 based on vessel size and type for the Benchmark Period.

2. Boat Captains

In order to qualify for compensation under the Reduced Expedited Compensation Method, the Boat Captain must provide for each vessel:

- a. Proof that during the Benchmark Period:
 - i. the Claimant was a Boat Captain on a commercial shrimping vessel with the home port of the vessel that was

within the states of Louisiana, Mississippi and Alabama or a Florida registered vessel with its home port in the counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty, Franklin, Gadsden, Leon, Wakulla in the State of Florida; and,

- ii. the vessel had revenue from commercial shrimping equal to or greater than the Qualifying Revenue in Table 6 based on vessel size and type for the Benchmark Period, a Boat Captain may combine vessel revenue from multiple vessels of the same size and type for the Benchmark Period; and,
- iii. the Claimant was the Boat Captain of the vessel during the time period for which the vessel generated the revenue on which the Claimant relies to establish the Qualifying Revenue for the Benchmark Period reported in Table 6.

TABLE 6

VESSEL SIZE	QUALIFYING VESSEL REVENUE
<30 feet	n/a
30-44 feet	\$25,000
45-74 feet Ice	\$50,000
45-74 feet Freezer	\$200,000
75+ feet Ice	\$150,000
75+ feet Freezer	\$290,000

B. Documentation Required

1. Vessel Owners/Commercial Fisherman Vessel Lessees

See documentation requirements for Vessel Owner/Commercial Fisherman Vessel Lessee Claimants under Expedited Compensation Method in Section I above.

2. Boat Captains

See documentation requirements for Boat Captain Claimants under Expedited Compensation Method in Section I above.

C. Compensation Amounts

1. Vessel Owner/Commercial Fisherman Vessel Lessee Compensation

If the Claims Administrator determines that the Vessel Owner or Commercial Fisherman Vessel Lessee has provided necessary proof of eligibility and the required documentation for a vessel,

the Claimant shall receive the Vessel Owner/Commercial Fisherman Vessel Lessee Compensation set forth in Table 7. The Vessel Owner/Commercial Fisherman Vessel Lessee Compensation includes an RTP of 8.25. A Claimant may have more than one vessel and is eligible for compensation for each vessel for which the Claimant independently satisfies the eligibility and documentation requirements.

TABLE 7

VESSEL SIZE	VESSEL OWNER/COMMERCIAL FISHERMAN VESSEL LESSEE COMPENSATION
<30 feet	n/a
30-44 feet	\$62,438
45-74 feet Ice	\$145,688
45-74 feet Freezer	\$333,000
75+ feet Ice	\$291,375
> 75 feet Freezer	\$457,875

2. Boat Captain Compensation

If the Claims Administrator determines that the Boat Captain has provided necessary proof of eligibility and the required documentation, the Claimant shall receive the Boat Captain Compensation set forth in Table 8. The Boat Captain Compensation includes an RTP of 7.25.

TABLE 8

VESSEL SIZE	BOAT CAPTAIN COMPENSATION
<30 feet	n/a
30-44 feet	\$49,500
45-74 feet Ice	\$86,625
45-74 feet Freezer	\$198,000
75+ feet Ice	\$144,375
75+ feet Freezer	\$226,875

III. New Entrant Compensation Method

A. Eligibility Requirements

1. Vessel Owner

In order to qualify for the New Entrant Compensation Method, the Vessel Owner/Commercial Fisherman Vessel Lessee must establish for each vessel that as of April 20, 2010:

- a. If the vessel is over 30 feet:

- i. the Claimant owned or leased the vessel and the vessel was specifically designed for commercial shrimping, such as a trawler, freezer boat, or ice boat, and
 - ii. the Claimant had expenditures in excess of \$25,000 within 12 months prior to April 20, 2010 for purchase or repair of the vessel.
- b. If the vessel is less than or equal to 30 feet:
 - i. the Claimant owned or leased a vessel and intended to use the vessel predominantly as a shrimping boat, and
 - ii. the Claimant had expenditures for the vessel on shrimping gear, such as trawls, nets, iceboxes, or winches, in excess of \$6,000 within 12 months prior to April 20, 2010.

2. Boat Captains

A Claimant may receive Boat Captain compensation under the New Entrant Compensation Method if the Claimant: (i) qualifies for compensation as a Vessel Owner/Commercial Fisherman Vessel Lessee under the New Entrant Compensation Method for the same vessel and (ii) has not submitted a separate claim for compensation as a Boat Captain under any Shrimp Compensation Plan. Such Claimant cannot qualify as a Boat Captain for more than one vessel under the New Entrant Compensation Method.

Additionally, a Claimant who had not previously worked as a Boat Captain for a commercial shrimping vessel home ported in the Gulf Coast Areas may receive Boat Captain compensation under the New Entrant Compensation Method if the Claimant provides proof:

- a. of an agreement entered prior to April 20, 2010 with a Vessel Owner/Commercial Fisherman Vessel Lessee for employment as a Boat Captain on a commercial shrimping vessel home ported in the Gulf Coast Areas during April 20, 2010 to December 31, 2010 that is supported by some written documentation that pre-dates April 20, 2010.
- b. information sufficient to establish the proposed compensation, such as proposed start and end dates, wage rates, projected hours or Boat Captain's share of the shrimping vessel revenue, and
- c. that offer for employment as a Boat Captain on a commercial shrimping vessel home ported in the Gulf Coast Areas was rescinded or withdrawn as a result of the Deepwater Horizon Oil Spill.

- d. Information regarding the employer, including: (i) employer's business name, address(es), telephone number(s), website(s) (if available), and a description of the nature of the business.

The Claims Administrator shall have the right to interview the Claimant and potential employer if the Claims Administrator determines an interview is appropriate.

B. Documentation Required

1. Vessel Owner/Commercial Fisherman Vessel Lessee

Vessel Owners and Commercial Fisherman Vessel Lessees seeking compensation under the New Entrant Compensation Method must provide documents sufficient to prove eligibility pursuant to the applicable paragraphs of the "Generally Applicable Provisions of the Shrimp Compensation Plan" and the eligibility requirements in Section III.A.1, and to determine compensation pursuant to Section III.C below, including proof of (i) vessel size and type, (ii) expenditures for purchase and/or repair of the vessel, or (iii) purchases of shrimping gear.

2. Boat Captains

Boat Captains seeking compensation under the New Entrant Compensation Method must provide documents sufficient to prove eligibility pursuant to the applicable paragraphs of the "Generally Applicable Provisions of the Shrimp Compensation Plan" and the eligibility requirements in Section III.A.2, and to determine compensation pursuant to Section III.C below.

C. Compensation Amount

1. Vessel Owner/Commercial Fisherman Vessel Lessee

If the Claims Administrator determines that the Vessel Owner/Commercial Fisherman Vessel Lessee has provided necessary proof of eligibility and the required documentation for a vessel, the Claimant shall receive the Vessel Owner/Commercial Fisherman Vessel Lessee Compensation set forth in Table 9. The Vessel Owner/Commercial Fisherman Vessel Lessee Compensation includes an RTP of 8.25.

TABLE 9

VESSEL SIZE	VESSEL OWNER/COMMERCIAL FISHERMAN VESSEL LESSEE COMPENSATION
<30 feet	\$26,016
30-44 feet	\$33,820
45-74 feet Ice	\$67,641
45-74 feet Freezer	\$119,672
75+ feet Ice	\$104,063
> 75 feet Freezer	\$145,688

2. Boat Captains

If the Claims Administrator determines that a Claimant seeking compensation as a Boat Captain has provided necessary proof of eligibility and the required documentation, the Claimant shall receive the Boat Captain Compensation set forth in Table 10. The Boat Captain Compensation includes an RTP of 7.25.

TABLE 10

VESSEL SIZE	BOAT CAPTAIN COMPENSATION
<30 feet	\$23,203
30-44 feet	\$26,813
45-74 feet Ice	\$40,219
45-74 feet Freezer	\$71,156
75+ feet Ice	\$51,563
75+ feet Freezer	\$72,188

IV. Historical Revenue Method

A. Eligibility Requirements

1. Vessel Owner/Commercial Fisherman Vessel Lessee

To be eligible under the Historical Revenue Method, a Vessel Owner/Commercial Fisherman Vessel Lessee must meet the eligibility requirements of the applicable paragraphs of the “Generally Applicable Provisions of the Shrimp Compensation Plan” and provide evidence to demonstrate the Claimant’s commercial shrimping revenue during the selected Benchmark Period.

2. Boat Captains

To be eligible under the Historical Revenue Method, a Boat Captain must meet the eligibility requirements of the applicable paragraphs of the “Generally Applicable Provisions of the Shrimp Compensation Plan” and provide evidence to demonstrate the Claimant’s earnings from commercial shrimping on vessels for which the Claimant served as Boat Captain during the selected Benchmark Period.

B. Documentation Required

1. Vessel Owners/Commercial Fisherman Vessel Lessees

Vessel Owners/Commercial Fisherman Vessel Lessees seeking compensation under the Historical Revenue Method must provide documents sufficient to prove the eligibility requirements in Section IV.A and to determine compensation pursuant to Section IV.C below, including the following:

- a. Trip Tickets or their equivalents for each vessel for which Claimant seeks compensation, which show the volume of shrimp harvested and the sales price as shown on the trip tickets or their equivalents for the Benchmark Period for shrimp landed in the Gulf Coast Areas. The Claimant must provide sufficient documentation for the Claims Administrator to be able to identify gross revenue derived for each vessel solely for shrimp catch landed in the Gulf Coast Areas during the Benchmark Period. The total volume multiplied by price will be the applicable gross revenue.

– OR –

- b. Federal or state tax and financial information as follows:
 - i. If Claimant is an entity, federal or state tax returns, and sufficient documentation to identify those components of gross revenue derived from commercial shrimp harvesting by vessel for the Benchmark Period for each vessel for which the Claimant submits a Vessel Owner/Commercial Fisherman Vessel Lessee claim.
 - ii. If Claimant is an individual, federal form 1040 including Schedules C, E and F or state tax forms and supporting documents, as well as sufficient documentation to identify those components of earnings derived from commercial shrimp harvesting by vessel for the Benchmark Period.
 - iii. In addition, the Claimant must provide sufficient documentation for the Claims Administrator to be able to identify (i) Claimant's revenue from shrimping as compared to other sources, (ii) Claimant's revenue from landings in the Gulf Coast Areas. If necessary, the Claims Administrator may require supplemental information from the Claimant in order to make these determinations.
- c. Also, the Claimant must provide documentation sufficient to establish the vessel size and type for each vessel for which the Claimant seeks compensation.
- d. In addition, if available, it is requested that the Claimant also provide the following documents, to assist the Claims Administrator:
 - i. Vessel log book
 - ii. Share sheets

- iii. Sales or other production reports maintained in the normal course of business.

2. Boat Captains

Boat Captains seeking compensation under the Historical Revenue Method must provide documents sufficient to prove the eligibility requirements in section IV.A.2 and to determine compensation pursuant to Section IV.C below, including the following:

- a. Trip tickets or their equivalents for each vessel for which Claimant seeks compensation which show the volume of shrimp harvested and the sales price as shown on the trip tickets or their equivalents for the Benchmark Period for shrimp landed in the Gulf Coast Areas. The total volume multiplied by price will be the applicable gross revenue.

– OR –

- b. Federal tax returns, including Schedules C, E and F, W-2s, and 1099s or state tax returns with supporting documents for the Benchmark Period and sufficient documentation to identify those components of earnings derived from commercial shrimp harvesting for the Benchmark Period for the vessel(s) selected by the Claimant. In addition, the Claimant must provide sufficient documentation for the Claims Administrator to be able to identify revenue from shrimp landings in the Gulf Coast Areas for each vessel while the Claimant was Boat Captain. If necessary, the Claims Administrator may require supplemental information from the Claimant in order to make these determinations.
- c. Also, the Claimant must provide documentation sufficient to establish the vessel size and type for each vessel for which the Claimant seeks compensation.
- d. In addition, if available, it is requested that the Claimant also provide the following documents, to assist the Claims Administrator:
 - i. Captain's log book
 - ii. Vessel log book
 - iii. Share sheets
 - iv. Sales or other production reports maintained in the normal course of business

C. Compensation Calculations**1. Calculate Benchmark Shrimp Revenue**

- a. If trip tickets or their equivalents are used, the volume and price of shrimp on the trip tickets or their equivalents are used to calculate gross revenue from shrimp landed in the Gulf Coast Areas. If the Claimant is a Vessel Owner/Commercial Fisherman Vessel Lessee, the Claimant may provide trip tickets for the Benchmark Period for each vessel for which compensation is being sought. If the Claimant is a Boat Captain, the Claimant may provide trip tickets or their equivalents for all vessels the Claimant served as a Captain during the Benchmark Period.

– OR –

- b. The Claims Administrator may determine the gross vessel revenue or Boat Captain earnings from shrimp landings in the Gulf Coast Areas based on the Claimant's tax returns, monthly profit and loss statements, or financial information if the Claims Administrator has sufficient information to determine: (i) Claimant's revenue from shrimping as compared to other sources, and (ii) Claimant's revenue from shrimp landings in the Gulf Coast Areas. If necessary, the Claims Administrator may require supplemental information from the Claimant in order to make these determinations.

2. Calculate Additional Catch Adjusted Benchmark Shrimp Revenue by multiplying Benchmark Shrimp Revenue by the Additional Catch Factor. The Additional Catch Factor is presented in Table 11 and is intended to compensate for lost undocumented catch and in-kind payments.

Additional Catch Adjusted Benchmark Shrimp Revenue = (Benchmark Shrimp Revenue * Additional Catch Factor)

TABLE 11

VESSEL SIZE	ADDITIONAL CATCH FACTOR
<30 feet	1.25
30-44 feet	1.20
45-74 feet Ice	1.15
45-74 feet Freezer	1.05
75+ feet Ice	1.05
75+ feet Freezer	1.05

3. Calculate Total Adjusted Benchmark Shrimp Revenue by multiplying the Additional Catch Adjusted Benchmark Shrimp Revenue by 1.2, the Adjustment for Changes in 2010-11 Prices.

Total Adjusted Benchmark Shrimp Revenue = (Additional Catch Adjusted Benchmark Shrimp Revenue * Adjustment for Changes in 2010-11 Prices).

4. If (i) the Claimant is a Vessel Owner/Commercial Fisherman Vessel Lessee or (ii) the Claimant is a Boat Captain and Benchmark Revenue was calculated using trip tickets or their equivalents, calculate Benchmark Shrimp Cost. Benchmark Shrimp Cost is calculated by multiplying Benchmark Shrimp Revenue by the Shrimp Cost Percentage. The Shrimp Cost Percentage, presented in Table 12, is expressed as a percentage of revenue and reflects standard industry non-labor variable costs. If the Claimant is a Boat Captain and Benchmark Revenue was calculated based upon his earnings, such as from tax return or financial information, then no Shrimp Cost Percentage is applied, skip to step 5.

Benchmark Shrimp Cost = (Benchmark Shrimp Revenue * Shrimp Cost Percentage)

TABLE 12

VESSEL SIZE	SHRIMP COST PERCENTAGE
<30 feet	42%
30-44 feet	39%
45-74 feet Ice	39%
45-74 feet Freezer	42%
75+ feet Ice	54%
75+ feet Freezer	52%

5. Calculate the Base Shrimp Loss using the Shrimp Loss Percentage of 35%.
 - a. If (i) the Claimant is a Vessel Owner/Commercial Fisherman Vessel Lessee or (ii) the Claimant is a Boat Captain and Total Adjusted Benchmark Shrimp Revenue was calculated using trip tickets or their equivalents, the Base Loss is calculated as follows:

Base Shrimp Loss = (Total Adjusted Benchmark Shrimp Revenue – Benchmark Shrimp Cost) * 35%

- b. If the Claimant is a Boat Captain and Total Adjusted Benchmark Shrimp Revenue was calculated using a different source than trip tickets or their equivalents, the Base Loss is calculated as follows:

$$\text{Base Shrimp Loss} = \text{Total Adjusted Benchmark Shrimp Revenue} * 35\%$$

6. Determine Base Compensation by multiplying Base Shrimp Loss by the appropriate Vessel Owner/Commercial Fisherman Vessel Lessee or Boat Captain share. Vessel Owner and Boat Captain shares differ by boat size and type and are presented in Table 13.

- a. Base Compensation for Vessel Owners/Commercial Fisherman Vessel Lessees is calculated as:

$$\text{Base Compensation} = \text{Base Shrimp Loss} * \text{Shrimp Vessel Share}$$

- b. Base Compensation for Shrimp Boat Captains is calculated as:

- i. If Shrimp Boat Captain Compensation is calculated based on trip tickets then the Base Compensation for Shrimp Boat Captains is calculated as:

$$\text{Base Compensation} = \text{Base Shrimp Loss} * \text{Shrimp Boat Captain Share}$$

- ii. If Shrimp Boat Captain Compensation is calculated based on tax returns and financial records, then the Base Compensation for Shrimp Boat Captains is calculated as:

$$\text{Base Compensation} = \text{Base Shrimp Loss}$$

TABLE 13

VESSEL TYPE AND SIZE	SHRIMP VESSEL OWNER/COMMERCIAL FISHERMAN VESSEL LESSEE SHARE	SHRIMP BOAT CAPTAIN SHARE
<30 feet	45%	45%
30-44 feet	45%	40%
45-74 feet Ice	45%	30%
45-74 feet Freezer	45%	30%
75+ feet Ice	45%	25%
75+ feet Freezer	45%	25%

7. Apply the RTP to Base Compensation in order to determine Final Compensation. Base Compensation is specific to Claimant type and is found in Table 14.

$$\text{Final Compensation} = \text{Base Compensation} + (\text{Base Compensation} * \text{RTP})$$

TABLE 14

	VESSEL OWNERS/COMMERCIAL FISHERMAN VESSEL LESSEES	BOAT CAPTAINS
RTP	8.25	7.25

V. Vessel Lease Compensation Allocation

To the extent the vessel was leased by the Vessel Owner to the Commercial Fisherman Vessel Lessee as of April 20, 2010, compensation will be allocated between the parties based upon Benchmark Revenue, as calculated above and Annual Lease Payment. The Annual Lease Payment shall be calculated as the annual payment to the Vessel Owner by the Commercial Fisherman Vessel Lessee for the lease in effect as of April 20, 2010. The ratio of the Annual Lease Payment to Benchmark Revenue multiplied by the Final Compensation determines the Vessel Owner Share of Final Compensation. The Commercial Fisherman Vessel Lessee's Share of Compensation is Final Compensation less the Vessel Owner's Share of Final Compensation.

$$\text{Vessel Owner Share of Final Compensation} = \text{Final Compensation} * (\text{Annual Lease Payment} / \text{Benchmark Revenue})$$

$$\text{Commercial Fisherman Vessel Lessee's Share of Final Share of Compensation} = \text{Final Compensation} - \text{Vessel Owner Share of Final Compensation.}$$

OYSTER COMPENSATION PLAN

The Oyster Compensation Plan provides compensation to Oyster Leaseholders and Oyster Harvester Claimants. Oyster Harvesters eligible under the Oyster Compensation Plan are (i) Seafood Vessel Owners, (ii) Oyster Harvester lessees of Seafood Vessels, and (iii) Seafood Boat Captains. Oyster Leaseholders can submit Leaseholder Property Claims and/or Leaseholder Lost Income Claims. Oyster Harvesters can submit Harvester Lost Income Claims. A single Claimant can qualify as both an Oyster Leaseholder and an Oyster Harvester. Compensation plans for each of these claim types are set forth below.

In some instances, Oyster Leaseholders earn income solely from allowing another natural person or entity to harvest oysters from their oyster leaseholds. In other instances, Oyster Leaseholders may be combined such that they both own oyster leaseholds and harvest from those and other leaseholds. For purposes of the Oyster Compensation Plan, Claimants should submit claims reflecting both their harvesting and leaseholder claims together. A combined Oyster Leaseholder/Oyster Harvester is eligible for compensation as both an Oyster Leaseholder and an Oyster Harvester.

Generally Applicable Provisions of the Oyster Compensation Plan:

1. Eligible Claimants shall be comprised of Class Members (i) who do not fall within the exclusions to the Economic Loss and Property Class Definitions; (ii) who are Oyster Leaseholders or Oyster Harvesters; and (iii) who meet the following additional criteria.
2. An Oyster Leaseholder Claimants shall be an entity or individual with an oyster leasehold interest.
3. Oyster Leaseholder Claimants are eligible to receive compensation for leaseholds that are located within Zone A, B or C as reflected on the Oyster Leasehold Compensation Zone Map attached hereto, as Exhibit 1. Oyster Harvesters are eligible to receive compensation for oysters landed in the Gulf Coast Areas.
4. It is understood that in some instances, the Vessel Owner is also the Oyster Harvester; however, it may be the case that the Vessel Owner leased the vessel to an Oyster Harvester Vessel Lessee. In those instances where the vessel was leased during the time period of April 20, 2010 to December 31, 2010, the Vessel Owner and Oyster Harvester Vessel Lessee must file the vessel claim jointly in order to receive compensation prior to the **Bar Date**, and they shall share any Vessel Owner/Oyster Harvester Vessel Lessee compensation provided for in this Oyster Compensation Plan. If at the time of the **Bar Date** either the Vessel Owner or the Oyster Harvester Vessel Lessee has not filed a claim, the one that has filed the claim shall receive the full Vessel Owner/Oyster Harvester Vessel Lessee compensation for the vessel. The allocation of compensation between Vessel Owner and Oyster Harvester Vessel Lessee shall be determined as provided in Section 4. If the vessel was not leased to an Oyster Harvester Vessel Lessee during the time period of April 20, 2010 to December 31, 2010, the Vessel Owner is entitled to the full share of the Vessel Owner/Oyster Harvester Vessel Lessee compensation.

5. It is understood that in some instances, the Vessel Owner or the Oyster Harvester Vessel Lessee is also the Boat Captain. In those instances where the Vessel Owner and/or the Oyster Harvester Vessel Lessee were also the Boat Captain, the Claimant shall be eligible to receive the Boat Captain compensation under the Oyster Compensation Plan as set forth below. If the Vessel Owner and/or Oyster Harvester Vessel Lessee employed a Boat Captain on the vessel and did not serve as a Boat Captain on that vessel, the hired Boat Captain is eligible for the Boat Captain compensation, not the Vessel Owner or Oyster Harvester Vessel Lessee.
6. To establish eligibility to participate in the Oyster Compensation Plan, an Oyster Leaseholder Claimant must provide:
 - A. Valid oyster lease entered into by Claimant that establishes, as of April 20, 2010, the Claimant as the lessee of the oyster leasehold, or a copy of the actual title for the leasehold. Claimants are required to provide documentation that their leasehold interest is in good standing, such as proof of renewal.
 - B. Information sufficient to ascertain the geographic boundaries of the oyster leasehold, including the oyster lease ID number.
7. To establish eligibility to participate in the Oyster Compensation Plan, a Vessel Owner Claimant must provide for each vessel for which the Claimant is seeking compensation:
 - A. Proof of ownership of the vessel during the time period of April 20, 2010 to December 31, 2010.
 - B. Proof that as of April 20, 2010 there was a government license (even if it had expired as of that date) that authorized that vessel to harvest and land oysters in the Gulf Coast Areas for the 2009 season or the 2010 season.
 - C. The vessel name and any applicable federal and/or state vessel registration identification numbers.
 - D. Proof that the vessel landed oysters in the Gulf Coast Areas in 2009 or 2010. For example, this can be demonstrated using trip tickets (or equivalent documents such as dealer forms) or Federal or state tax returns.
 - E. A sworn statement attesting as to whether or not the vessel was leased during the time period April 20, 2010 to December 31, 2010. If the vessel was leased during this time period, the Vessel Owner must provide a copy of the lease agreement.
8. To establish eligibility to participate in the Oyster Compensation Plan, an Oyster Harvester who leases a Seafood Vessel (Oyster Harvester Vessel Lessee) must provide for each vessel for which the Claimant is seeking compensation:
 - A. Proof that during the time period of April 20, 2010 to December 31, 2010 the Claimant leased a vessel to be used for oyster harvesting.

- B. Proof that as of April 20, 2010 there was a government license (even if it had expired as of that date) that authorized the vessel to harvest and land oysters in the Gulf Coast Areas for the 2009 season or the 2010 season.
 - C. Proof that the vessel landed oysters in the Gulf Coast Areas in 2009 or 2010. For example, this can be demonstrated using trip tickets (or equivalent documents such as dealer forms) or Federal or State tax returns.
 - D. A sworn statement attesting that the Claimant leased the vessel from the Vessel Owner during the time period of April 20, 2010 to December 31, 2010. The Oyster Harvester Vessel Lessee must also provide a copy of the lease agreement.
9. Oyster Boat Captain Claimants must provide:
- A. Proof that as of April 20, 2010 the Boat Captain held a governmental license (even if it had expired before that date) authorizing the Claimant to operate as a Boat Captain and/or to commercially harvest and land oysters in the Gulf Coast Areas.
 - B. Proof that Claimant landed oysters in the Gulf Coast Areas in 2009 or 2010. This can be demonstrated using trip tickets (or equivalent documents such as dealer forms) or federal or state tax returns.
10. A Sworn Statement attesting whether or not the Claimant received any Seafood Spill-Related Payments. If the Claimant received Seafood Spill-Related Payments, the Claimant shall provide documents⁷ sufficient to establish the timing, amount and source of Seafood Spill-Related Payments, including documents providing the claimant's BP/GCCF/Transition Facility Claim Number, if applicable, and any corresponding payments:

Oyster Compensation Plan Methods Available:

There are two types of claims available to Oyster Leaseholders:

- Leaseholder Interest Compensation
- Leaseholder Lost Income Compensation

There is one type of claim available to Oyster Harvesters:

- Historical Revenue Compensation

⁷ When documents are requested in the Seafood Compensation Program, Claimant may provide either legible copies or originals of the documents.

A given Claimant may submit claims for more than one form of compensation, for example a combined Oyster Leaseholder/Oyster Harvester may submit claims for all three forms of compensation.

Oyster Compensation Plan Definition:

The Benchmark Period for the Claimant is the combination of 2007, 2008 and 2009. All calculations of Benchmark Period revenues, costs or payments use the average of annual figures across 2007, 2008 and 2009. In the event that a Claimant entered the oyster industry after 2007, then the Benchmark Period will include all full years since the Claimant entered the oyster harvesting industry, so 2008-2009 or 2009. In the event the Claims Administrator determines that the Claimant (individual or vessel) did not participate at the same level of effort in oyster harvesting due to circumstances beyond the Claimant's control (such as illness, disability or major mechanical failure), the Claims Administrator may at his discretion allow the Claimant to exclude one or more years of the Benchmark Period.

1. Oyster Leaseholder Interest Compensation

Oyster Leaseholder Interest Compensation provides all eligible Oyster Leaseholders with compensation on a per acre basis for their leaseholds. Compensation shall be determined by the geographic location of the oyster leasehold as set forth below.

1.1 Eligibility for Oyster Leaseholder Property Claim

Eligible leaseholds are those located within Zone A, B or C as reflected on the Oyster Leasehold Compensation Zone Map.

1.2 Documentation Requirement for Oyster Leaseholder Interest Compensation

The Oyster Leaseholder must provide the documentation required under the Generally Applicable Provisions of the Oyster Compensation Plan.

1.3 Calculation of Oyster Leaseholder Interest Compensation

The Oyster Leaseholder Claimant shall receive compensation on a per acre basis based upon where the lease is located on the Oyster Leaseholder Compensation Zone Map. The per acre compensation amounts for each zone are as follows:

Zone A:	\$2,000
Zone B:	\$1,000
Zone C:	\$400

If a lease crosses two zones, compensation will be determined based on the number of acres of the lease in each zone. For example, if a lease covers 20 acres in Zone A and 30 acres in Zone B, then compensation will be calculated as: (20 acres * \$2,000) + (30 acres * \$1,000) = \$70,000.

The per acre payment is not subject to any RTP.

2. Oyster Leaseholder Lost Income Compensation

The Oyster Leaseholder Lost Income Compensation provides eligible Oyster Leaseholders with compensation for income earned through payments from another natural person or entity that harvests oysters on their leases. This Section 2 describes compensation for an Oyster Leaseholder that is not also an Oyster Vessel Owner/Oyster Harvester Vessel Lessee. If the Oyster Leaseholder is also a Vessel Owner/Oyster Harvester Vessel Lessee, the Oyster Leaseholder shall receive compensation for a combined Oyster Leaseholder and Vessel Owner/Oyster Harvester Vessel Lessee, as described in Section 3.5.

2.1 Eligibility Requirements for Oyster Leaseholder Lost Income Claims

Oyster Leaseholder Claimants who meet the eligibility requirements set forth in the applicable paragraphs of the “Generally Applicable Provisions of the Oyster Compensation Plan” and Section 1.1 above are eligible to receive Oyster Leaseholder Lost Income Claims Compensation.

2.2 Documentation Requirements for Oyster Leaseholder Lost Income Claims

To receive Oyster Leaseholder Lost Income Compensation, a Claimant must provide:

- A. Tax returns, financial statements or business documents establishing revenue earned by the Claimant during the Benchmark Period from another natural person or entity that harvests oysters on their leaseholds located in Zones A, B or C, as reflected on the Oyster Leasehold Compensation Zone Map.
- B. Contracts or agreements between the Oyster Leaseholder and another natural person or entity that harvests oysters from their leaseholds located in Zones A, B or C, as reflected on the Oyster Leasehold Compensation Zone Map.

In addition, if available, it is requested that the Claimant also provide the following documents, to assist the Claims Administrator:

- A. A list of all Oyster Harvesters who harvested oysters on Claimant’s leasehold(s) during 2007 through 2009.

2.3 Calculation of Oyster Leaseholder Lost Income Compensation

For all Oyster Leaseholder Claimants, the Oyster Leaseholder Lost Income Compensation is calculated as follows:

- A. Calculate Benchmark Revenue as the average annual revenue earned by the Claimant during the Benchmark Period from other natural people or entities that harvest oysters on the Claimant’s leaseholds that are located in Zones A, B or C, as reflected on the Oyster Leasehold Compensation Zone Map.

- B. Calculate Total Adjusted Benchmark Revenue by multiplying Benchmark Revenue by 1.1, the Adjustment For Changes in 2010-11 Prices.

$$\text{Total Adjusted Benchmark Revenue} = \text{Benchmark Revenue} * 1.1$$

- C. Calculate Base Compensation as Total Adjusted Benchmark Revenue multiplied by the Oyster Loss Percentage of 40%.

$$\text{Base Compensation} = \text{Total Adjusted Benchmark Revenue} * 40\%$$

- D. Apply an RTP of 8.75 to Base Compensation in order to determine Final Compensation.

$$\text{Final Compensation} = \text{Base Compensation} + (\text{Base Compensation} * 8.75)$$

<u>TABLE 1</u>		
Example of Compensation Calculation for Hypothetical Oyster Leaseholder Lost Income Claimant		
Inputs		
Benchmark Revenue	[A]	\$20,000
Adjustment for Changes in 2010-2011 Prices	[B]	1.10
Oyster Loss Percentage	[C]	40%
RTP	[D]	8.75
Calculation		
Total Adjusted Benchmark Revenue	[E] = [A] * [B]	\$22,000
Base Compensation	[F] = [E] * [C]	\$8,800
Final Compensation	[G] = [F] + [F] * [D]	\$85,800

3. Oyster Harvester Lost Income Compensation

An Oyster Harvester Claimant may seek compensation for the Claimant's economic loss from oyster harvesting by establishing historical revenue generated by Oyster Harvesting. Section 3.3 describes calculation of compensation for an oyster Boat Captain, Section 3.4 describes calculation of compensation for a Vessel Owner/Oyster Harvester Vessel Lessee that is not also an Oyster Leaseholder. If a Vessel Owner/Oyster Harvester Vessel Lessee is also an Oyster Leaseholder, Section 3.5 describes the calculation of both Oyster Leaseholder Lost Income and Oyster Harvester Lost Income for that Claimant.

3.1 Eligibility and Documentation – Boat Captain

To be eligible to receive compensation for lost oyster harvesting earnings, a Boat Captain Claimant (i) must meet the applicable paragraphs of the Generally Applicable Provisions of the Oyster Compensation Plan and (ii) provide evidence to document the oyster harvesting revenue earned by vessels on which the Claimant served as Boat Captain, or the earnings the Claimant earned as Boat Captain of oyster harvesting vessels, during the Benchmark Period. This revenue must be established using:

- A. Trip tickets (or equivalent documents such as dealer forms) for each vessel for which Claimant seeks compensation which show the volume of oysters harvested and the sales price for the Benchmark Period for oysters landed in the Gulf Coast Areas. The total volume multiplied by the price will be the applicable gross revenue.

-OR-

- B. Federal or state tax returns, including Schedules C, E and F, W-2s, and 1099s for the Benchmark Period and sufficient documentation to identify those components of earnings derived from oyster harvesting for the Benchmark Period for the vessel(s) selected by the Claimant. In addition, the Claimant must provide sufficient documentation for the Claims Administrator to be able to identify revenue from oyster landings in the Gulf Coast Areas for each vessel while the Claimant was Boat Captain. If necessary, the Claims Administrator may require supplemental information from the Claimant in order to make these determinations.

In addition, if available, it is requested that the Claimant also provide the following documents to assist the Claims Administrator:

- A. Captain's Log Book
- B. Share Sheets
- C. Vessel name and any applicable federal and/or state vessel registration identification numbers for any vessels the Claimant captained during the Benchmark Period

3.2 Eligibility and Documentation: Seafood Vessel Owner – Oyster Harvester Vessel Lessee

To be eligible to receive compensation for lost harvesting income, a Vessel Owner/Oyster Harvester Vessel Lessee must meet the eligibility requirements set forth in the applicable paragraphs of the "Generally Applicable Provisions of the Oyster Compensation Plan" and provide evidence to document harvesting revenue and certain costs associated with oyster harvesting during their Benchmark Period for landings in the Gulf Coast Areas. Oyster

harvesting gross revenue earned by Claimants during their Benchmark Period must be established using:

- A. Trip tickets (or equivalent documents such as dealer forms) for each vessel for which Claimant seeks compensation which show the volume of oysters harvested and the sales price for the Benchmark Period for oysters landed in the Gulf Coast Areas. The total volume multiplied by the price will be the applicable gross revenue.

-OR-

- B. Federal or state tax forms and financial information as follows:
 - 1. If a Claimant is an entity, federal or state tax returns, and sufficient documentation to identify those components of gross revenue derived from oyster harvesting by vessel for the Benchmark Period for landings in the Gulf Coast Areas for each vessel for which the Claimant submits a Vessel Owner/Oyster Harvester Vessel Lessee claim.
 - 2. If the Claimant is an individual, federal form 1040 including Schedules C, E and F or state tax forms with supporting documents as well as sufficient documentation to identify components of earnings derived from oysters landed in the Gulf Coast Areas by vessel for the Benchmark Period.
 - 3. In addition, the Claimant must provide sufficient documentation for the Claims Administrator to be able to identify Claimant's revenue from oyster harvesting in the Gulf Coast Areas as compared to other sources of revenue. If necessary, the Claims Administrator may require supplemental information from the Claimant in order to make these determinations.

In addition, if available, it is requested that the Claimant also provide, for each vessel for which the Claimant is seeking compensation, the following documents to assist the Claims Administrator:

- 1. Vessel Log Book
- 2. Share Sheets
- 3. Names and periods of employment of Boat Captains employed on the vessel during 2007, 2008 and 2009

3.3.1 Calculation of Harvester Lost Income Compensation for Boat Captains for Captains Using Trip Tickets to Document Claims

- A. Calculate average annual revenue in Benchmark Period for (i) oysters harvested from public grounds (Public Benchmark Harvest Revenue) and (ii) oysters harvested from private leaseholds (Private Benchmark Harvest Revenue). Public

Benchmark Harvest Revenue and Private Benchmark Harvest Revenue shall be separately calculated as described above in 3.1. If the Claimant does not have information sufficient to establish the split between revenue from oysters harvested on public grounds and oysters harvested on private leaseholds, all oyster harvesting revenue shall be assumed to have come from private leaseholds.

- B. Calculate Total Adjusted Benchmark Revenue by multiplying the sum of Public Benchmark Harvest Revenue and Private Benchmark Harvest Revenue by 1.1, the Adjustment For Changes in 2010-11 Prices.

$$\text{Total Adjusted Benchmark Revenue} = (\text{Public Benchmark Harvest Revenue} + \text{Private Benchmark Harvest Revenue}) * 1.1$$

- C. Determine Variable Harvest Cost by multiplying the sum of Public Benchmark Revenue and Private Benchmark Revenue by 12%. If the Claimant establishes Benchmark Revenue through individual income tax forms, Variable Harvest Cost shall be zero (\$0).

$$\text{Variable Harvest Cost} = (\text{Public Benchmark Revenue} + \text{Private Benchmark Revenue}) * 12\%$$

- D. Calculate Leaseholder Payment Cost by multiplying Private Benchmark Revenue by Leaseholder Payment Percentage of 33%. If the Claimant establishes Benchmark Revenue through individual income tax forms, Variable Harvest Cost shall be zero (\$0).

$$\text{Leaseholder Payment Cost} = \text{Private Benchmark Revenue} * 33\%$$

- E. Calculate Base Harvest Margin as Total Adjusted Benchmark Oyster Revenue less Variable Harvest Cost and Leaseholder Payment Cost.

$$\text{Base Harvest Margin} = \text{Total Adjusted Benchmark Oyster Revenue} - \text{Variable Harvest Cost} - \text{Leaseholder Payment Cost}$$

- F. Determine Base Harvest Loss by multiplying Base Harvest Margin by Oyster Loss Percentage of 40%.

$$\text{Base Harvest Loss} = \text{Base Harvest Margin} * 40\%$$

- G. Multiply Base Harvest Loss by Boat Captain Share of 40% to determine Base Compensation.

$$\text{Base Compensation} = \text{Base Harvest Loss} * 40\%$$

- H. Apply an RTP of 7.75 to Base Compensation in order to determine Final Compensation.

$$\text{Final Compensation} = \text{Base Compensation} + (\text{Base Compensation} * 7.75)$$

TABLE 2**Example of Compensation Calculation for Hypothetical Boat Captain Harvester Lost Income Claimant Who Uses Trip Tickets**

Inputs		
Public Benchmark Harvest Revenue	[A]	\$50,000
Private Benchmark Harvest Revenue	[B]	\$100,000
Adjustment for Changes in 2010-2011 Prices	[C]	1.10
Variable Harvest Cost Percentage	[D]	12%
Leaseholder Payment Percentage	[E]	33%
Oyster Loss Percentage	[F]	40%
Boat Captain Share	[G]	40%
RTP	[H]	7.75
Calculation		
Total Adjusted Benchmark Revenue	$[I] = ([A] + [B]) * [C]$	\$165,000
Variable Harvest Cost	$[J] = ([A] + [B]) * [D]$	\$18,000
Leaseholder Payment Cost	$[K] = [B] * [E]$	\$33,000
Base Harvest Margin	$[L] = [I] - [J] - [K]$	\$114,000
Base Harvest Loss	$[M] = [L] * [F]$	\$45,600
Base Compensation	$[N] = [M] * [G]$	\$18,240
Final Compensation	$[O] = [N] + [N] * [H]$	\$159,600

3.3.2 Calculation of Harvester Lost Income Compensation for Boat Captains for Captains Using Tax Returns and/or Financial Records to Document Claims.

- A. Calculate Average Earnings in Benchmark Period for oysters landed in the Gulf Coast Areas.
- B. Calculate Total Adjusted Earnings in Benchmark Period by multiplying Average Earnings in Benchmark Period by 1.1, the Adjustment For changes in 2010-11 Prices.
- C. Determine Base Earnings Loss by multiplying total Adjusted Earnings in Benchmark Period by Oyster Loss Percentage of 40%.

Base Earnings Loss = Total Adjusted Earnings in Benchmark Period * 40%

- D. Apply at RTP of 7.75 to Base Earnings Loss to determine Final Compensation

Final Compensation = Base Earnings Loss + (Base Earnings Loss * 7.75)

3.4 Calculation of Harvester Lost Income Compensation for Oyster Vessel Owners/Oyster Harvester Vessel Lessees that Are Not Oyster Leaseholders

This Section 3.4 describes compensation for an Oyster Vessel Owner/Oyster Harvester Vessel Lessee that is not also an Oyster Leaseholder.

- A. Calculate average annual revenue in Benchmark Period for (i) oysters harvested from public grounds (Public Benchmark Harvest Revenue) and (ii) oysters harvested from private leaseholds (Private Benchmark Harvest Revenue). Public Benchmark Harvest Revenue and Private Benchmark Harvest Revenue shall be separately calculated as described above in 3.2. If the Claimant does not have information sufficient to establish the split between revenue from public grounds and private leaseholds, all oyster harvesting revenue shall be assumed to have come from private leaseholds.
- B. Calculate Total Adjusted Benchmark Revenue by multiplying the sum of Public Benchmark Harvest Revenue and Private Benchmark Harvest Revenue by 1.1, the Adjustment For Changes in 2010-11 Prices.

$$\text{Total Adjusted Benchmark Revenue} = (\text{Public Benchmark Harvest Revenue} + \text{Private Benchmark Harvest Revenue}) * 1.1$$

- C. Determine Variable Harvest Cost by multiplying the sum of Public Benchmark Revenue and Private Benchmark Revenue by 12%.

$$\text{Variable Harvest Cost} = (\text{Public Benchmark Revenue} + \text{Private Benchmark Revenue}) * 12\%$$

- D. Determine Leaseholder Payment Cost by multiplying Private Benchmark Revenue by Leaseholder Payment Percentage of 33%.

$$\text{Leaseholder Payment Cost} = \text{Private Benchmark Revenue} * 33\%$$

- E. Calculate Base Margin as Total Adjusted Benchmark Revenue less Variable Harvest Cost and Leaseholder Payment Cost.

$$\text{Base Harvest Margin} = \text{Total Adjusted Benchmark Revenue} - \text{Variable Harvest Cost} - \text{Leaseholder Payment Cost}$$

- F. Determine Base Harvest Loss by multiplying Base Harvest Margin by Oyster Loss Percentage of 40%.

$$\text{Base Harvest Loss} = \text{Base Harvest Margin} * 40\%$$

- G. Multiply Base Harvest Loss by Vessel Owner Share of 40% to determine Base Compensation.

$$\text{Base Compensation} = \text{Base Harvest Loss} * 40\%$$

- H. Apply an RTP of 8.75 to Base Compensation in order to determine Final Compensation.

$$\text{Final Compensation} = \text{Base Compensation} + (\text{Base Compensation} * 8.75)$$

TABLE 3 Example of Compensation Calculation for Hypothetical Vessel Owner / Oyster Harvester Vessel Lessee Harvester Lost Income Claimant		
Inputs		
Public Benchmark Harvest Revenue	[A]	\$50,000
Private Benchmark Harvest Revenue	[B]	\$100,000
Adjustment for Changes in 2010-2011 Prices	[C]	1.10
Variable Harvest Cost Percentage	[D]	12%
Leaseholder Payment Percentage	[E]	33%
Oyster Loss Percentage	[F]	40%
Vessel Owner Share	[G]	40%
RTP	[H]	8.75
Calculation		
Total Adjusted Benchmark Revenue	[I] = ([A] + [B]) * [C]	\$165,000
Variable Harvest Cost	[J] = ([A] + [B]) * [D]	\$18,000
Leaseholder Payment Cost	[K] = [B] * [E]	\$33,000
Base Harvest Margin	[L] = [I] - [J] - [K]	\$114,000
Base Harvest Loss	[M] = [L] * [F]	\$45,600
Base Compensation	[N] = [M] * [G]	\$18,240
Final Compensation	[O] = [N] + [N] * [H]	\$177,840

3.5 Calculation of Harvester Lost Income Compensation for Oyster Vessel Owners/Oyster Harvester Vessel Lessees that are also Oyster Leaseholders

This section explains compensation for the Oyster Harvester that is also an Oyster Leaseholder and includes compensation for a Claimant's role as an Oyster Leaseholder and a Vessel Owner/Oyster Harvester Vessel Lessee. If the Claimant is also a Boat Captain, the Claimant can receive compensation based on the Boat Captain Compensation framework described in Section 3.3 above.

Compensation for an Oyster Leaseholder/Vessel Owner/Oyster Harvester Vessel Lessee's role as an Oyster Leaseholder and Vessel Owner/Oyster Harvester Vessel Lessee depends on Claimant's Total Benchmark Revenue less Total Benchmark Costs.

Total Benchmark Revenue includes four types of revenues received by Claimant:

- Oyster Leaseholder Revenue, which reflects revenue received from another natural person or entity that harvests oysters on the Claimant's leaseholds;
- Own Lease Harvest Revenue, which reflects revenue received from oysters harvested by Claimant on the Claimant's leaseholds;
- Harvest Revenue from other private leaseholds, which reflects revenue received from oysters harvested from private leaseholds owned by others; and
- Public Harvest Revenue, which reflects revenue received from harvests from public oyster grounds.

Total Benchmark Cost includes three types of costs incurred by Claimant:

- Variable Harvest Cost
- Payments to Other Leaseholders as compensation for oysters harvested from their leases
- Payments to Boat Captains and Seafood Crew

The following steps describe calculation of compensation for Oyster Vessel Owners/Oyster Harvester Vessel Lessees that are also Oyster Leaseholders. The calculation is summarized in Table 4 below. Exhibit 2 presents a table summarizing the approach in additional detail and includes a further example summarizing compensation for Lost Leaseholder Income and Lost Harvester income when the claimant also acts as the sole Boat Captain.

Calculate Revenue:

1. Calculate Oyster Leaseholder Benchmark Revenue which reflects revenue received from other harvesters as payment for oysters harvested from the claimant's lease. Calculate Adjusted Oyster Leaseholder Benchmark Revenue as $1.1 \times \text{Oyster Leaseholder Benchmark Revenue}$
2. Calculate harvest revenues:
 - A. Calculate Private Benchmark Harvest Revenue, which reflects revenue generated from oysters harvested on private leaseholds, including leaseholds owned by the Claimant and leaseholds owned by others. Calculate Adjusted Private Benchmark Harvest Revenue as $1.1 \times \text{Private Benchmark Harvest Revenue}$
 - B. Calculate Public Benchmark Harvest Revenue, which reflects revenue generated from oysters harvested on public grounds and Adjusted Public Benchmark Harvest Revenue as $1.1 \times \text{Public Benchmark Harvest Revenue}$
 - C. Calculate Adjusted Total Harvest Benchmark Revenue as the sum of Adjusted Private Benchmark Harvest Revenue and Adjusted Public Benchmark Harvest Revenue.

3. Calculate Adjusted Total Benchmark Revenue as the sum of Adjusted Total Benchmark Harvest Revenue and Adjusted Oyster Benchmark Leaseholder Income.

Calculate Costs:

1. Calculate Variable Harvest Cost as 12% multiplied by the sum of (i) Public Benchmark Harvest Revenue and (ii) Private Benchmark Harvest Revenue.
2. Calculate Estimated Total Leaseholder Costs as Adjusted Benchmark Private Harvest Revenue *33%
3. Calculate or estimate Claimant's Lease Payments to Other Leaseholders based on tax returns, financial statements and business records provided by Claimant.
4. Calculate Payments to Boat Captains and Seafood Crew
 - A. Calculate Claimant's Adjusted Total Benchmark Harvest Revenue, minus Variable Harvest Cost, minus Estimated Total Leaseholder Costs
 - B. Multiply by 60% to determine Payments to Boat Captains and Seafood Crew
5. Calculate Total Cost as Variable Harvest Cost plus Claimants' Lease Payments to Other Leaseholders plus Payments to Boat Captains and Seafood Crew

Calculate Final Compensation:

1. Calculate Total Margin as Adjusted Total Benchmark Revenue minus Total Cost
2. Calculate Base Compensation as Total Margin multiplied by Oyster Loss Percentage of 40%.
3. Apply an RTP of 8.75 to Base Compensation in order to determine Final Compensation.

$$\text{Final Compensation} = \text{Base Compensation} + (\text{Base Compensation} * 8.75)$$

TABLE 4**Example of Compensation Calculation for Hypothetical Oyster Leaseholder / Oyster Harvester Claimant**

Calculation Determines Compensation for Lost Leaseholder Income and Lost Harvester Income

Oyster Leaseholder Benchmark Revenue	[A]	\$10,000
Adjusted Oyster Leaseholder Benchmark Revenue	$[B]=[A]*1.1$	\$11,000
Private Benchmark Harvest Revenue	[C]	\$75,000
Adjusted Private Benchmark Harvest Revenue	$[D]=[C]*1.1$	\$82,500
Public Benchmark Harvest Revenue	[E]	\$25,000
Adjusted Public Benchmark Harvest Revenue	$[F]=[E]*1.1$	\$27,500
Adjusted Total Benchmark Harvest Revenue	$[G]=[D]+[F]$	\$110,000
Adjusted Total Benchmark Revenue	$[H]=[B]+[G]$	\$121,000
Variable Harvest Cost	$[I]=([C]+[E])*12\%$	\$12,000
Estimated Total Leaseholder Cost	$[J]=[D]*33\%$	\$27,225
Claimants Lease Payments to Other Leaseholders	[K]=[based on claimant records]	\$10,000
Payments to Boat Captains and Seafood Crew	$[L]=([G]-[I]-[J])*60\%$	\$42,465
Total Cost	$[M]=[I]+[K]+[L]$	\$64,465
Total Margin	$[N]=[H]-[M]$	\$56,535
Base Compensation	$[O]=[N]*40\%$	\$22,614
Final Compensation	$[P]=[O]+[O]*8.75$	\$220,487

4. Vessel Lease Compensation Allocation

To the extent the vessel was leased by the Vessel Owner to the Oyster Harvester Vessel Lessee as of April 20, 2010, compensation will be allocated between the parties based upon Benchmark Revenue, as calculated above at Section 3.4 or 3.5, and Annual Lease Payment. The Annual Lease Payment shall be calculated as the annual payment to the Vessel Owner by the Oyster Harvester Vessel Lessee for the lease in effect as of April 20, 2010. The ratio of the Annual Lease Payment to Benchmark Revenue multiplied by the Final Compensation determines the Vessel Owner Share of Final Compensation. The Oyster Harvester Vessel Lessee's Share of Compensation is Final Compensation less the Vessel Owner's Share of Final Compensation.

$$\text{Vessel Owner Share of Final Compensation} = \text{Final Compensation} * (\text{Annual Lease Payment} / \text{Benchmark Revenue})$$

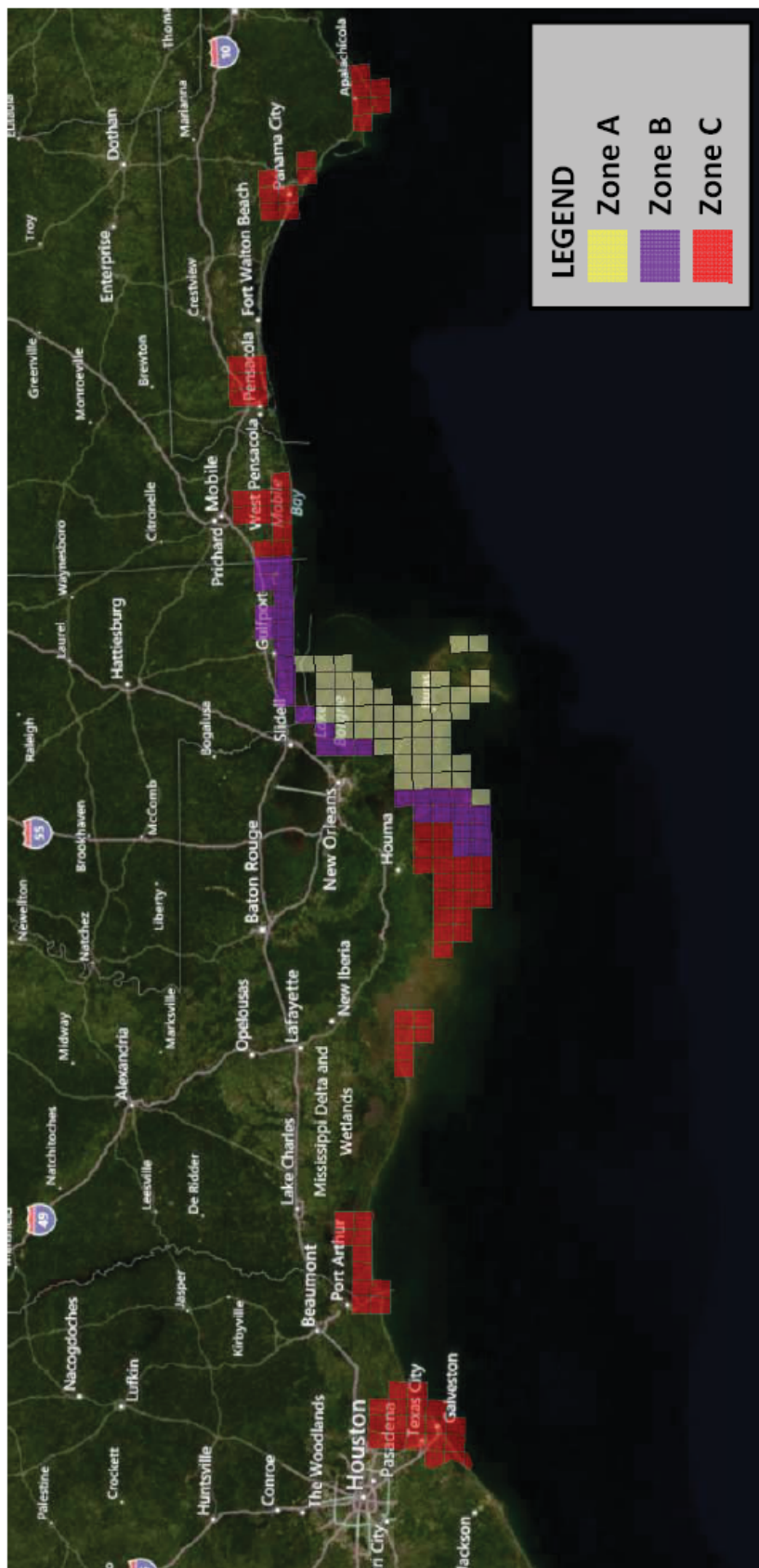
$$\text{Oyster Harvester Vessel Lessee's Share of Final Share of Compensation} = \text{Final Compensation} - \text{Vessel Owner Share of Final Compensation.}$$

<u>TABLE 5</u>		
Example of Vessel Lease Compensation Allocation Between Vessel Owner Claimant and Oyster Harvester Vessel Lessee Claimant		
Inputs (Based on Table 3)		
Benchmark Revenue	[A]	\$165,000
Annual Lease Payment	[B]	\$55,000
Final Compensation	[C]	\$177,840
Calculation		
Annual Lease Payment / Benchmark Revenue	[D] = [B] / [A]	33%
Vessel Owner's Share of Final Compensation	[E] = [C] * [D]	\$59,280
Oyster Harvester Vessel Lessee's Share of Final Compensation	[F] = [C] - [E]	\$118,560

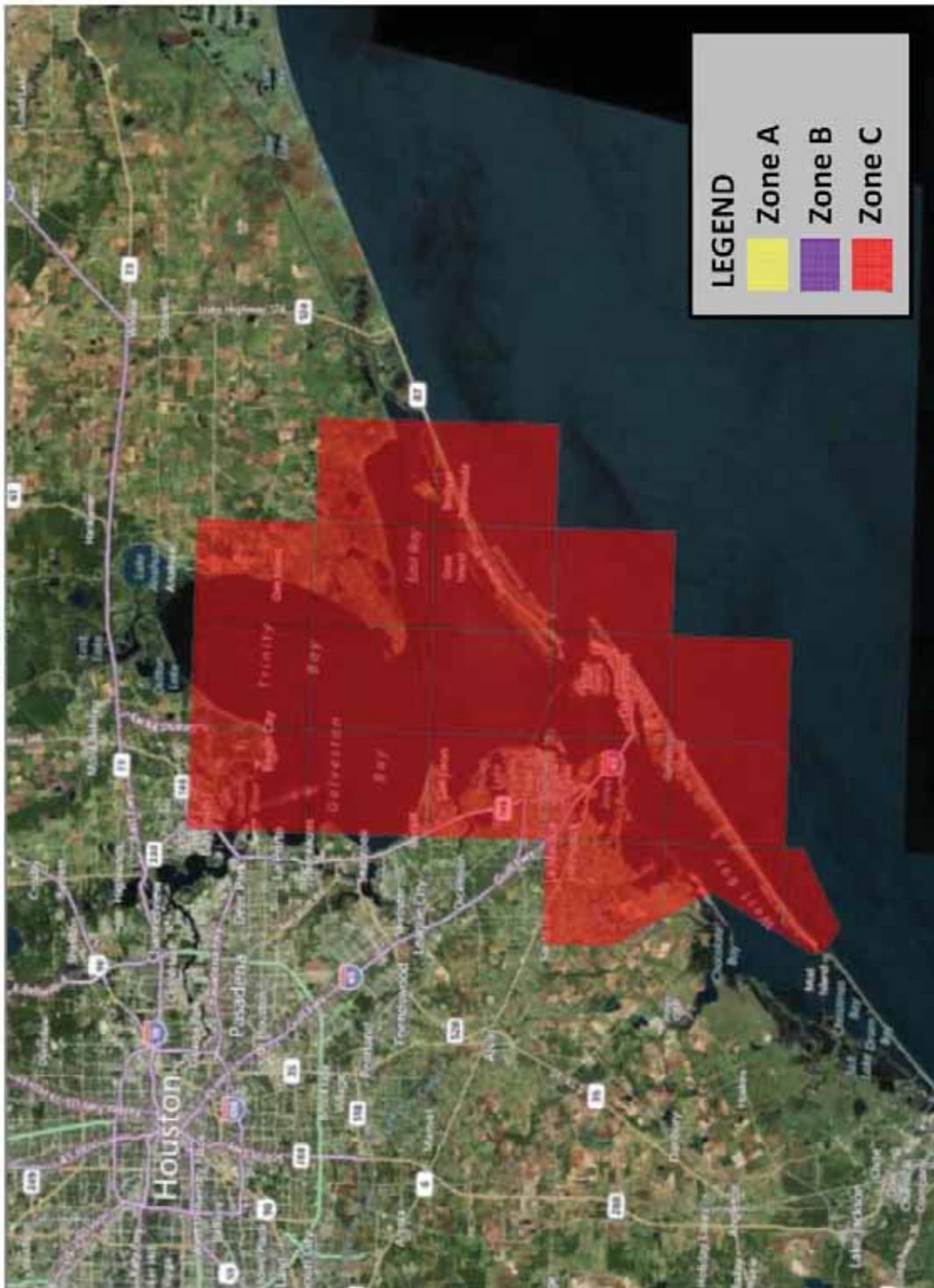
Oyster Compensation Plan Exhibit 1

Oyster Leasehold Compensation Zone Map

All States



Texas





Southeast Louisiana





Florida



Oyster Compensation Plan

Exhibit 2

Exhibit 2**Example of Compensation Calculation for Hypothetical Oyster Leaseholder / Oyster Harvester Claimant**

Calculation Determines Compensation for Lost Leaseholder Income and Lost Harvester Income

COLUMN NUMBER:		Harvesting Operations ¹		Leaseholding Operations ²	Combined Operations ³	Combined Operations ³
		From Public Grounds	From Private Leaseholds	Payments From Other Harvesters	Claimant Employs Hired Captain	Claimant Is Also Sole Captain
		[1]	[2]	[4]	[5]	[6]
Benchmark Revenue	[A]	25,000	75,000	10,000	110,000	110,000
Benchmark Harvest Revenue	[B]	100,000				
Variable Harvest Cost Percentage	[C]	12%				
Variable Harvest Cost	[D]=[B]*[C]	12,000			12,000	12,000
Adjustment to Revenue for Changes in 2010-2011 Prices	[E]	1.1		1.1		
Adjusted Benchmark Revenue	[F]=[A]*[E]	27,500	82,500	11,000	121,000	121,000
Adjusted Total Benchmark Harvest Revenue	[G]	110,000				
Adjusted Private Benchmark Harvest Revenue	[H]=[F]		82,500			
Leaseholder Payment Percentage	[I]		33%			
Estimated Total Leaseholder Cost	[J]=[H]*[I]		27,225 *			
Claimant's Lease Payments to Other Leaseholders	[K]=[based on claimant records]		10,000		10,000	10,000
* Used to Calculate Captain/Crew Costs						
Adjusted Benchmark Harvest Margin	[L]=[G]-[D]-[J]	70,775				
Boat Captain Share	[M]	40%				
Payments to Boat Captains	[N]=[L]*[M]	28,310			28,310	
Adjusted Benchmark Harvest Margin	[O]=[G]-[D]-[J]	70,775				
Seafood Crew Share	[P]	20%				
Payments to Seafood Crew	[Q]=[O]*[P]	14,155			14,155	14,155
Total Cost	[R]=[D]+[K]+[N]+[Q]				64,465	36,155
Margin Received by the Claimant	[S]=[F]-[R]				56,535	84,845
As Owner/Leaseholder	[T]=COLUMN [5], ROW [S]					56,535
As Captain	[U]=COLUMN [5], ROW [N]					28,310
Oyster Loss Percentage	[V]				40%	40%
Risk Transfer Premium - Owner/Leaseholder	[W]				8.75	8.75
Risk Transfer Premium - Captain	[X]					7.75
Compensation - Owner/Leaseholder	[Y]=[S]*[V]*(1+[W])				220,487	
Compensation - Owner/Leaseholder	[Z]=[T]*[V]*(1+[W])					220,487
Compensation - Captain	[AA]=[U]*[V]*(1+[X])					99,085
Final Compensation	[AB]=[Y]+[Z]+[AA]				220,487	319,572

1. Reflects revenues and costs associated with the Claimant's oyster harvesting operations.
2. Reflects revenues earned by the Claimant from other harvesters for use of the Claimant's leasehold(s).
3. Reflects revenues and costs associated with the Claimant's oyster harvesting and leaseholding operations.

FINFISH COMPENSATION PLAN

Generally Applicable Provisions of the Finfish Compensation Plan:

1. Eligible Claimants shall be comprised of Class Members (i) who do not fall within the exclusions to the Economic Loss and Property Class Definition, (ii) who are Vessel Owners, Commercial Fishermen who lease Seafood Vessels (Commercial Fisherman Vessel Lessee), and/or Seafood Boat Captains that derive income from commercial finfishing, and (iii) who meet the additional criteria listed in this Finfish Compensation Plan.
2. It is understood that in some instances, the Vessel Owner is also the Commercial Fisherman; however, it may be the case that the Vessel Owner leased the vessel to a Commercial Fisherman. In those instances where the vessel was leased during the time period of April 20, 2010 to December 31, 2010, the Vessel Owner and Commercial Fisherman Vessel Lessee must file the vessel claim jointly in order to receive compensation prior to the **Bar Date**, and they shall share any Vessel Owner/Commercial Fisherman Vessel Lessee compensation provided for in this Finfish Compensation Plan. If at the time of the **Bar Date** either the Vessel Owner or the Commercial Fisherman Vessel Lessee has not filed a claim, the one that has filed the claim shall receive the full Vessel Owner/Commercial Fisherman Vessel Lessee compensation for the vessel. The allocation of compensation between Vessel Owner and Commercial Fisherman Vessel Lessee shall be determined as provided in Section III. If the vessel was not leased to a Commercial Fisherman Vessel Lessee during the time period of April 20, 2010 to December 31, 2010, the Vessel Owner is entitled to the full Vessel Owner/Commercial Fisherman Vessel Lessee compensation for the vessel.
3. It is understood that in some instances, the Vessel Owner and/or the Commercial Fisherman Vessel Lessee is also the Boat Captain. In those instances where the Vessel Owner and/or the Commercial Fisherman Vessel Lessee were also the Boat Captain, they shall be eligible to receive the Boat Captain compensation portion for the vessel under the Finfish Compensation Plan as set forth below. If the Vessel Owner and/or Commercial Fisherman Vessel Lessee employed a Boat Captain on the vessel and did not serve as a Boat Captain on that vessel, the hired Boat Captain is eligible for the Boat Captain compensation, not the Vessel Owner or Commercial Fisherman Vessel Lessee.
4. To establish eligibility to participate in the Finfish Compensation Plan, a Vessel Owner Claimant must provide for each vessel(s) for which the Claimant is seeking compensation:
 - A. Proof of ownership of the vessel during the time period of April 20, 2010 to December 31, 2010.
 - B. Proof that as of April 20, 2010 there was a government license (even if it had expired before that date) that authorized that vessel to commercially fish for finfish in the Specified Gulf Waters for the 2009 season or the 2010 season.

- C. The vessel name and any applicable federal and/or state vessel registration identification numbers.
 - D. Proof that either:
 - 1. the vessel was home ported in the Gulf Coast Areas at any time from April 20, 2010 to April 16, 2012; or,
 - 2. the vessel landed finfish in the Gulf Coast Areas at any time from April 20, 2009 to April 16, 2012.
 - E. A sworn statement attesting as to whether or not the vessel was leased during the time period April 20, 2010 to December 31, 2010. If the vessel was leased during this time period, the Vessel Owner must provide a copy of the lease agreement.
 - F. A sworn statement attesting as to whether or not the Vessel Owner was the Boat Captain for that vessel during January 1, 2007 through December 31, 2009. If the Vessel Owner was not the sole Boat Captain for that vessel for some portion of January 1, 2007 through December 31, 2009, to the extent possible, the Claimant shall identify all other Boat Captains employed on the vessel and the time periods for which the Boat Captains were employed.
5. To establish eligibility to participate in the Finfish Compensation Plan, a Commercial Fisherman Vessel Lessee must provide for each vessel for which he or she seeks compensation:
- A. Proof that during the period of April 20, 2010 through December 31, 2010 he or she leased the vessel to be used for commercial finfishing.
 - B. Proof that as of April 20, 2010 there was a government license (even if it had expired before that date) that authorized that vessel to commercially fish for finfish in the Specified Gulf Waters for the 2009 season or the 2010 season.
 - C. The vessel name and any applicable federal and/or state vessel registration identification numbers.
 - D. Proof that either:
 - 1. the vessel was home ported in the Gulf Coast Areas at any time from April 20, 2010 to April 16, 2012; or,
 - 2. the vessel landed finfish in the Gulf Coast Areas at any time from April 20, 2009 to April 16, 2012.
 - E. A sworn statement, attesting that the Commercial Fisherman Vessel Lessee leased the vessel during the time period of April 20, 2010 to December 31, 2010. The Commercial Fisherman Vessel Lessee must also provide a copy of the lease agreement for the vessel.

- F. A sworn statement attesting as to whether or not the Commercial Fisherman Vessel Lessee was the Boat Captain for that vessel during January 1, 2007 through December 31, 2009. If the Commercial Fisherman Vessel Lessee was not the sole Boat Captain for that vessel for some portion of January 1, 2007 through December 31, 2009, to the extent possible, the Claimant shall identify all other Boat Captains employed on the vessel and the time periods for which the Boat Captains were employed.
6. To establish eligibility to participate in the Finfish Compensation Plan a Boat Captain must provide:
 - A. Proof that as of April 20, 2010 the Boat Captain held a governmental license (even if it had expired before that date) authorizing the Claimant to operate as a Boat Captain and/or to commercially fish for finfish in the Specified Gulf Waters for the 2009 season or the 2010 season.
 - B. Proof that either the Boat Captain worked:
 1. on one or more commercial finfishing vessels that were home ported in the Gulf Coast Areas from April 20, 2010 through the date of execution of the Settlement Agreement; or,
 2. one or more commercial finfishing vessels that landed finfish in the Gulf Coast Areas from April 20, 2009 through the date of execution of the Settlement Agreement.
 7. A Sworn Statement attesting whether or not the Claimant received any Seafood Spill-Related Payments. If the Claimant received Seafood Spill-Related Payments, the Claimant shall provide documents⁸ sufficient to establish the timing, amount and source of Seafood Spill-Related Payments, including documents providing the claimant's BP/GCCF/Transition Facility Claim Number, if applicable, and any corresponding payments.

Finfish Compensation Plan Definition:

Benchmark Period⁹ is selected by the Claimant and can be (i) 2009, (ii) 2008 and 2009, or (iii) 2007, 2008 and 2009. If the Claimant elects to use years 2008 and 2009 or 2007, 2008, and 2009, the annual revenue amounts shall be averaged. In the event the Claims Administrator determines that the Claimant (individual or vessel) did not participate at the same level of effort in finfish harvesting due to circumstances beyond the Claimant's control (such as illness,

⁸ When documents are requested in the Seafood Compensation Program, Claimant may provide either legible copies or originals of the documents.

⁹ For the Seafood Compensation Program, the Benchmark Period is defined independently for each Seafood Compensation Program Plan and is set forth within the specific Plan. Definitions of Benchmark Period in any other frameworks in the *Deepwater Horizon* Economic And Property Damages Settlement Agreement do not apply in the Seafood Compensation Program.

disability or major mechanical failure), the Claims Administrator may at his discretion allow the Claimant to exclude one or more years of the Benchmark Period.

A Vessel Owner or Commercial Fisherman Vessel Lessee must submit separate Vessel Owner/Commercial Fisherman Vessel Lessee claims for each vessel they owned or leased and may select different Benchmark Periods for different vessels.

A Boat Captain's claim reflects the Claimant's activities on all vessels, and the Claimant must select a single Benchmark Period for the Boat Captain's claim.

A Vessel Owner or Commercial Fisherman Vessel Lessee who also submits a Boat Captain claim may select different Benchmark Periods for the Claimant's Vessel Owner/Commercial Fisherman Vessel Lessee claim and the Claimant's Boat Captain claim.

Compensation Plan Method:

Vessel Owners/Commercial Fisherman Vessel Lessees and Boat Captains will be compensated through the Historical Revenue Method. A Vessel Owner or Commercial Fisherman Vessel Lessee must submit separate Vessel Owner/Commercial Fisherman Vessel Lessee claims for each vessel they owned or leased.

Additionally, owners of Individual Fishing Quota ("IFQ") shares may be eligible to receive compensation for their IFQ shares under the IFQ Share Compensation Method.

I. Historical Revenue Method

A. Eligibility Requirements

1. Vessel Owner/Commercial Fisherman Vessel Lessee

To be eligible under the Historical Revenue Method, a Vessel Owner/Commercial Fisherman Vessel Lessee must meet the eligibility requirements of the applicable paragraphs of the "Generally Applicable Provisions of the Finfish Compensation Plan" above and provide evidence to demonstrate his or her commercial finfishing revenue during the selected Benchmark Period.

2. Boat Captains

To be eligible under the Historical Revenue Method, a Boat Captain must meet the eligibility requirements of the applicable paragraphs of the "Generally Applicable Provisions of the Finfish Compensation Plan" above and provide evidence to demonstrate his or her commercial gross earnings from commercial finfishing on vessels for which he or she served as Boat Captain during the selected Benchmark Period.

B. Documentation Required

1. Vessel Owners/Commercial Fisherman Vessel Lessees

Vessel Owners/Commercial Fisherman Vessel Lessees seeking compensation under the Historical Revenue Method must provide documents sufficient to prove the eligibility requirements in Section I.A.1 above and to determine compensation pursuant to Section I.C below, including the following:

- a. Trip ticket or their equivalents, such as dealer forms, for each vessel for which Claimant seeks compensation, which show the volume of finfish harvested and the sales price as shown on the trip tickets or their equivalents for the Benchmark Period for finfish landed in the Gulf Coast Areas. The Claimant must provide sufficient documentation for the Claims Administrator to be able to identify gross revenue derived for each vessel solely for finfish landed in the Gulf Coast Areas during the Benchmark Period. The total volume multiplied by price will be the applicable gross revenue.

– OR –

- b. Federal or state tax and financial information as follows:
 - i. If Claimant is an entity, federal tax returns or state tax returns, and sufficient documentation to identify components of gross revenue derived from commercial finfish harvesting by vessel for the Benchmark Period for each vessel for which the Claimant submits a Vessel Owner/Commercial Fisherman Vessel Lessee claim.
 - ii. If Claimant is an individual, federal form 1040 including Schedules C, E and F or state tax forms as well as sufficient documentation to identify those components of earnings derived from commercial finfish harvesting by vessel for the Benchmark Period.
 - iii. In addition, the Claimant must provide sufficient documentation for the Claims Administrator to be able to identify (i) the Claimant's revenue from finfishing as compared to other sources and (ii) Claimant's revenue from landings in the Gulf Coast Areas. If necessary, the Claims Administrator may require supplemental information from the Claimant in order to make these determinations.
- c. In addition, if available, it is requested that the Claimant also provide the following documents, to assist the Claims Administrator:

- i. Vessel log book
- ii. Share sheets
- iii. Proof of vessel size and type
- iv. Sales or other production reports maintained in the normal course of business

2. Boat Captains

Boat Captains seeking compensation under the Historical Revenue Method must provide documents sufficient to prove the eligibility requirements in Section I.A.2 and to determine compensation pursuant to Section I.C below, including the following:

- a. Trip tickets or their equivalents for each vessel for which the Claimant seeks compensation, which show the volume of finfish harvested and the sales price as shown on the trip tickets or their equivalents for the Benchmark Period for finfish landed in the Gulf Coast Areas. The total volume multiplied by price will be the applicable gross revenue.

– OR –

- b. Federal tax returns, including Schedules C, E and F, W-2s, and 1099s or state tax returns with supporting documents for the Benchmark Period and sufficient documentation to identify those components of earnings derived from commercial finfish harvesting for the Benchmark Period for the vessel(s) selected by the Claimant. In addition, the Claimant must provide sufficient documentation for the Claims Administrator to be able to identify revenue from finfish landings in the Gulf Coast Areas for each vessel while the Claimant was Boat Captain. If necessary, the Claims Administrator may require supplemental information from the Claimant in order to make these determinations.
- c. In addition, if available, it is requested that the Claimant also provide the following documents, to assist the Claims Administrator:
 - i. Captain's log book
 - ii. Vessel log book
 - iii. Share sheets
 - iv. Proof of vessel size and type for Captained vessels

- v. Sales or other production reports maintained in the normal course of business

C. Compensation Calculations

1. Calculate Benchmark Finfish Revenue.

- a. If trip tickets or their equivalents are used, the volume and price of finfish on the trip tickets or their equivalents are used to calculate gross revenue from finfish landed in the Gulf Coast Areas. If the Claimant is a Vessel Owner/Commercial Fisherman Vessel Lessee, the Claimant may provide trip tickets or their equivalents for the Benchmark Period for each vessel for which compensation is being sought. If the Claimant is a Boat Captain, the Claimant may provide trip tickets or their equivalents for all vessels he or she served as a Captain during the Benchmark Period.

– OR –

- b. The Claims Administrator may determine the gross vessel revenue for Boat Captain earnings from finfish landings in the Gulf Coast Areas based on the Claimant's tax returns, or financial information if the Claims Administrator has sufficient information to determine: (i) Claimant's revenue from finfish harvesting as compared to other sources, (ii) Claimant's revenue from finfish landings in the Gulf Coast Areas. If necessary, the Claims Administrator may require supplemental information from the Claimant in order to make these determinations.

- 2. If (i) the Claimant is a Vessel Owner/Commercial Fisherman Vessel Lessee or (ii) the Claimant is a Boat Captain and Benchmark Revenue was calculated using trip tickets or their equivalents, calculate Benchmark Finfish Cost. Benchmark Finfish Cost is calculated by multiplying Benchmark Finfish Revenue by the Finfish Cost Percentage. The Finfish Cost Percentage, 27%, is expressed as a percentage of revenue and reflects standard industry non-labor variable costs. If the Claimant is a Boat Captain and Benchmark Revenue was calculated based upon his earnings, such as from tax returns or financial information, then no Finfish Cost Percentage is applied, skip to step 3.

Benchmark Finfish Cost = (Benchmark Finfish Revenue * Finfish Cost Percentage)

- 3. Calculate the Base Finfish Loss using the Finfish Loss Percentage of 25%.
 - a. If (i) the Claimant is a Vessel Owner/Commercial Fisherman Vessel Lessee or (ii) the Claimant is a Boat Captain and Benchmark Revenue was calculated using trip tickets or their equivalents, the Base Loss is calculated as follows:

Base Finfish Loss = (Benchmark Finfish Revenue – Benchmark Finfish Cost) * 25%

- b. If the Claimant is a Boat Captain and Benchmark Revenue was calculated using a different source than trip tickets or their equivalents, the Base Loss is calculated as follows:

Base Finfish Loss = Benchmark Finfish Revenue * 25%

4. Determine Base Compensation by multiplying Base Finfish Loss by the appropriate Vessel Owner/Commercial Fisherman Vessel Lessee or Boat Captain share. Vessel Owner/Commercial Fisherman and Boat Captain shares are: 45% for the Vessel/Owner Commercial Fisherman and 35% for the Finfish Boat Captain.

- a. Base Compensation for Vessel Owners/Commercial Fisherman Vessel Lessees is calculated as below and found in Table 1:

Base Compensation = Base Finfish Loss * Finfish Vessel Share

TABLE 1

FINFISH VESSEL OWNERS/COMMERCIAL FISHERMAN VESSEL LESSEE SHARE	FINFISH BOAT CAPTAIN SHARE
45%	35%

- b. Base Compensation for Finfish Boat Captains is calculated as:
- i. If Finfish Boat Captain Compensation is calculated based on trip tickets, then the Base Compensation for the Finfish Boat Captain is calculated as:

Base Compensation = Base Finfish Loss * Finfish Boat Captain Share

- ii. If Finfish Boat Captain Compensation is calculated based on tax returns and financial records, then the Base Compensation for the Finfish Boat Captain is calculated as:

Base Compensation = Base Finfish Loss

5. Apply the RTP to Base Compensation in order to determine Final Compensation. Base Compensation is specific to Claimant type and is found in Table 2.

$$\text{Final Compensation} = \text{Base Compensation} + (\text{Base Compensation} * \text{RTP})$$

TABLE 2

	FINFISH VESSEL OWNERS/COMMERCIAL FISHERMAN VESSEL LESSEES	FINFISH BOAT CAPTAINS
RTP	6.0	5.0

II. Compensation for IFQ Quota Holders

The Finfish Quota Allocation Method provides a fixed compensation amount to Claimants that meet certain requirements and are Individual Fishing Quota (“IFQ”) shareholders.

A. Eligibility and Documentation Requirements

In order to be eligible to qualify for compensation under the Individual Fishing Quota Shareholder Method, the Claimant must provide:

1. Proof of ownership as of April 20, 2010 of the Individual Fishing Quota share for all species identified by IFQs, including Red Snapper, Gag Grouper Red Grouper, Deep Water Grouper Shallow Water Grouper and Tilefish.

B. Compensation Calculations

1. Individual Fishing Quota Shareholders that have provided the proof of eligibility and the required documentation set forth in section II.A. above shall receive the compensation based on the value of Individual Fishing Quota shares held. IFQ shares are defined as the right to catch 0.0001% of the pounds of the catch the relevant species that can be caught by commercial fishermen under the relevant quota.
2. In the aggregate, IFQ holders will receive compensation of \$50 million. If the \$50 million is not exhausted in payment of IFQ Shareholder claimants, then any remaining amount shall be distributed as part of the balance described in the “General Framework and Overview of Seafood Compensation Program Distribution” section of this Seafood Compensation Program.
3. IFQ Shareholder Claimants will be compensated in proportion to the percentage of the total value of IFQ shares, calculated across all species. The relevant prices and aggregate value of IFQ shares is summarized in Table 2. The table reports NOAA 2010 IFQ data on the prices at which IFQ shares were sold, with a “share” defined as 0.0001% of pounds of catch allowed under the species-specific IFQ program.

TABLE 2

Species	Price per .0001% Share	Total Value (\$Million)
Red Snapper	\$44.90	\$44.9
Gag Grouper	\$6.75	\$6.8
Red Grouper	\$20.67	\$20.7
Deep Water Grouper	\$4.99	\$5.0
Shallow Water Grouper	\$1.64	\$1.6
Tilefish	\$1.08	\$1.1
Total		\$80.0

4. Compensation for IFQ share holders is calculated as follows:
- The value of a Claimant's IFQ shares is calculated as the product of the species-specific number of quota shares held and the species-specific value per quota share, as reflected in Table 3.
 - The compensation received by a Claimant is calculated by multiplying the value of the Claimant's share multiplied by 0.625.

For example, a Claimant with 1,000 shares of Red Grouper would have a IFQ share value of \$20,670 (1,000 shares * \$20.67). The Claimant would then receive compensation of \$12,918.75 (\$20,670 * 0.625).

III. Vessel Lease Compensation Allocation

To the extent the Vessel was leased by the Vessel Owner to the Commercial Fisherman Vessel Lessee as of April 20, 2010, compensation will be allocated between the parties based upon Benchmark Revenue, as calculated above and Annual Lease Payment. The Annual Lease Payment shall be calculated as the annual payment to the Vessel Owner by the Commercial Fisherman Vessel Lessee for the lease in effect as of April 20, 2010. The ratio of the Annual Lease Payment to Benchmark Revenue multiplied by the Final Compensation determines the Vessel Owner Share of Final Compensation. The Commercial Fisherman Vessel Lessee's Share of Compensation is Final Compensation less the Vessel Owner's Share of Final Compensation.

Vessel Owner Share of Final Compensation = Final Compensation * (Annual Lease Payment / Benchmark Revenue)

Commercial Fisherman Vessel Lessee's Share of Final Share of Compensation = Final Compensation - Vessel Owner Share of Final Compensation.

BLUE CRAB/OTHER SEAFOOD COMPENSATION PLAN

Generally Applicable Provisions of the Blue Crab/Other Seafood Compensation Plan:

1. Eligible Claimants shall be comprised of Class Members (i) who do not fall within the exclusions to the Economic Loss and Property Class Definition, (ii) who are Vessel Owners, Commercial Fishermen who lease Seafood Vessels (Commercial Fisherman Vessel Lessee), and/or Seafood Boat Captains that derive income from commercial fishing for blue crab and/or Other Seafood,¹⁰ and (iii) who meet the additional criteria listed in this Blue Crab/Other Seafood Compensation Plan.
2. It is understood that in some instances, the Vessel Owner is also the Commercial Fisherman; however, it may be the case that the Vessel Owner leased the vessel to a Commercial Fisherman. In those instances where the vessel was leased during the time period of April 20, 2010 to December 31, 2010, the Vessel Owner and Commercial Fisherman Vessel Lessee must file the vessel claim jointly in order to receive compensation prior to the **Bar Date**, and they shall share any Vessel Owner/Commercial Fisherman Vessel Lessee compensation provided for in this Blue Crab/Other Seafood Compensation Plan. If at the time of the **Bar Date** either the Vessel Owner or the Commercial Fisherman Vessel Lessee has not filed a claim, the one that has filed the claim shall receive the full Vessel Owner/Commercial Fisherman Vessel Lessee compensation for the vessel. The allocation of compensation between Vessel Owner and Commercial Fisherman Vessel Lessee shall be determined as provided in Section II. If the vessel was not leased to a Commercial Fisherman Vessel Lessee during the time period of April 20, 2010 to December 31, 2010, the Vessel Owner is entitled to the full Vessel Owner/Commercial Fisherman Vessel Lessee compensation for the vessel.
3. It is understood that in some instances, the Vessel Owner and/or the Commercial Fisherman Vessel Lessee is also the Boat Captain. In those instances where the Vessel Owner and/or the Commercial Fisherman Vessel Lessee were also the Boat Captain, they shall be eligible to receive the Boat Captain compensation portion for the vessel under the Blue Crab/Other Seafood Compensation Plan as set forth below. If the Vessel Owner and/or Commercial Fisherman Vessel Lessee employed a Boat Captain on the vessel and did not serve as a Boat Captain on that vessel, the hired Boat Captain is eligible for the Boat Captain compensation, not the Vessel Owner or Commercial Fisherman Vessel Lessee.
4. To establish eligibility to participate in the Blue Crab/Other Seafood Compensation Plan, a Vessel Owner Claimant must provide for each vessel(s) for which the Claimant is seeking compensation:
 - A. Proof of ownership of the vessel during the time period of April 20, 2010 to December 31, 2010.

¹⁰ Other Seafood shall be defined to mean all forms of seafood included in the Exhibit 3 of the *Deepwater Horizon* Economic And Property Damages Settlement Agreement (Seafood Distribution Chain Definitions) including stone crab and spiny lobster, but excluding shrimp, oysters, finfish and blue crab.

- B. Proof that as of April 20, 2010 there was a government license (even if it had expired before that date) that authorized that vessel to commercially fish for blue crab or Other Seafood in the Specified Gulf Waters for the 2009 season or the 2010 season.
 - C. The vessel name and any applicable federal and/or state vessel registration identification numbers.
 - D. Proof that either:
 - 1. the vessel was home ported in the Gulf Coast Areas at any time from April 20, 2010 to April 16, 2012; or,
 - 2. the vessel landed blue crab and/or Other Seafood in the Gulf Coast Areas at any time from April 20, 2009 to April 16, 2012.
 - E. A sworn statement attesting as to whether or not the vessel was leased during the time period April 20, 2010 to December 31, 2010. If the vessel was leased during this time period, the Vessel Owner must provide a copy of the lease agreement.
 - F. A sworn statement attesting as to whether or not the Vessel Owner was the Boat Captain for that vessel during January 1, 2007 through December 31, 2009. If the Vessel Owner was not the sole Boat Captain for that vessel for some portion of January 1, 2007 through December 31, 2009, to the extent possible, the Claimant shall identify all other Boat Captains employed on the vessel and the time periods for which the Boat Captains were employed.
5. To establish eligibility to participate in the Blue Crab/Other Seafood Compensation Plan, a Commercial Fisherman Vessel Lessee must provide for each vessel for which the Claimant seeks compensation:
- A. Proof that during the period of April 20, 2010 through December 31, 2010 the Claimant leased the vessel to be used for commercial blue crab and/or Other Seafood harvesting.
 - B. Proof that as of April 20, 2010 there was a government license (even if it had expired before that date) that authorized that vessel to commercially fish for blue crab and/or Other Seafood in the Specified Gulf Waters for the 2009 season or the 2010 season.
 - C. The vessel name and any applicable federal and/or state vessel registration identification numbers.
 - D. Proof that either:
 - 1. the vessel was home ported in the Gulf Coast Areas at any time from April 20, 2010 to April 16, 2012; or,

2. the vessel landed blue crab and/or Other Seafood in the Gulf Coast Areas at any time from April 20, 2009 to April 16, 2012.
- E. A sworn statement, attesting that the Commercial Fisherman Vessel Lessee leased the vessel during the time period of April 20, 2010 to December 31, 2010. The Commercial Fisherman Vessel Lessee must also provide a copy of the lease agreement for the vessel.
- F. A sworn statement attesting as to whether or not the Commercial Fisherman Vessel Lessee was the Boat Captain for that vessel during January 1, 2007 through December 31, 2009. If the Commercial Fisherman Vessel Lessee was not the sole Boat Captain for that vessel for some portion of January 1, 2007 through December 31, 2009, to the extent possible, the Claimant shall identify all other Boat Captains employed on the vessel and the time periods for which the Boat Captains were employed.
6. To establish eligibility to participate in the Blue Crab/Other Seafood Compensation Plan a Boat Captain must provide:
 - A. Proof that as of April 20, 2010 the Boat Captain held a governmental license (even if it had expired before that date) authorizing the Claimant to operate as a Boat Captain and/or to commercially fish for blue crab and/or Other Seafood in the Specified Gulf Waters for the 2009 season or the 2010 season.
 - B. Proof that either the Boat Captain worked:
 1. on one or more commercial blue crab or Other Seafood vessels that were home ported in the Gulf Coast Areas at any time from April 20, 2010 to April 16, 2012; or,
 2. on one or more commercial blue crab or Other Seafood vessels that landed blue crab or Other Seafood in the Gulf Coast Areas at any time from April 20, 2009 to April 16, 2012.
7. A Sworn Statement attesting whether or not the Claimant received any Seafood Spill-Related Payments. If the Claimant received Seafood Spill-Related Payments, the Claimant shall provide documents¹¹ sufficient to establish the timing, amount and source of Seafood Spill-Related Payments, including documents providing the claimant's BP/GCCF/Transition Facility Claim Number, if applicable, and any corresponding payments.

¹¹ When documents are requested in the Seafood Compensation Program, Claimant may provide either legible copies or originals of the documents.

Blue Crab/Other Seafood Compensation Plan Definition:

Benchmark Period¹² is selected by the Claimant and can be (i) 2009, (ii) 2008 and 2009, or (iii) 2007, 2008 and 2009. If the Claimant elects to use years 2008 and 2009 or 2007, 2008, and 2009, the annual revenue amounts shall be averaged. In the event the Claims Administrator determines that the Claimant (individual or vessel) did not participate at the same level of effort in blue crab/other seafood harvesting due to circumstances beyond the Claimant's control (such as illness, disability or major mechanical failure), the Claims Administrator may at his discretion allow the Claimant to exclude one or more years of the Benchmark Period.

A Vessel Owner or Commercial Fisherman Vessel Lessee must submit separate Vessel Owner/Commercial Fisherman Vessel Lessee claims for each vessel they owned or leased and may select different Benchmark Periods for different vessels.

A Boat Captain's claim reflects the Claimant's activities on all vessels, and the Boat Captain must select a single Benchmark Period for the Claimant's claim.

A Vessel Owner or Commercial Fisherman Vessel Lessee who also submits a Boat Captain claim may select different Benchmark Periods for the Claimant's Vessel Owner/Commercial Fisherman Vessel Lessee claim and the Claimant's Boat Captain claim.

Compensation Plan Method:

Vessel Owners/Commercial Fisherman Vessel Lessees and Boat Captains will be separately compensated for blue crab claims and Other Seafood claims through the Historical Revenue Method. Claimants may submit a claim for either or both blue crab or Other Seafood categories. Compensation for blue crab claims is set forth in Section I.C and compensation for Other Seafood claims is set forth in Section I.D. A Vessel Owner or Commercial Fisherman Vessel Lessee must submit separate Vessel Owner/Commercial Fisherman Vessel Lessee claims for each vessel they owned or leased.

Additionally, Vessel Owners and Commercial Fisherman Vessel Lessees that establish they commercially fished for blue crab in the Benchmark Period and who satisfy the applicable paragraphs of the Generally applicable Provisions of the Blue Crab/Other Seafood Compensation Plan above and in Section I.A. below will receive a lump sum payment as set forth in Section I.

¹² For the Seafood Compensation Program, the Benchmark Period is defined independently for each Seafood Compensation Program Plan and is set forth within the specific Plan. Definitions of Benchmark Period in any other frameworks in the *Deepwater Horizon* Economic And Property Damages Settlement Agreement do not apply in the Seafood Compensation Program.

I. Historical Revenue Method**A. Eligibility Requirements****1. Vessel Owner/Commercial Fisherman Vessel Lessee**

To be eligible under the Historical Revenue Method, a Vessel Owner/Commercial Fisherman Vessel Lessee must meet the eligibility requirements of the applicable paragraphs of the “Generally Applicable Provisions of the Blue Crab/Other Seafood Compensation Plan” and provide evidence to demonstrate the Claimant’s commercial blue crab and/or Other Seafood revenue during the selected Benchmark Period.

2. Boat Captains

To be eligible under the Historical Revenue Method, a Boat Captain must meet eligibility requirements of the applicable paragraphs of the “Generally Applicable Provisions of the Blue Crab/Other Seafood Compensation Plan” requirements of the Blue Crab/Other Seafood Compensation Plan and provide evidence to demonstrate the Claimant’s gross earnings from commercial blue crab and/or Other Seafood harvesting on vessels for which the Claimant served as Boat Captain during the selected Benchmark Period.

B. Documentation Required**1. Vessel Owners/Commercial Fisherman Vessel Lessees**

Vessel Owners/Commercial Fisherman Vessel Lessees seeking compensation under the Historical Revenue Method must provide documents sufficient to prove the eligibility requirements in Section I.A.1 above and to determine compensation pursuant to Section I.C or I.D below, including the following:

- a. Trip ticket or their equivalents, such as dealer forms, for each vessel for which Claimant seeks compensation, which show the volume of blue crab and/or Other Seafood harvested and the sales price as shown on the trip tickets or their equivalents for the Benchmark Period for blue crab and/or Other Seafood landed in the Gulf Coast Areas. The Claimant must provide sufficient documentation for the Claims Administrator to be able to identify gross revenue derived for each vessel solely for blue crab and/or Other Seafood landed in the Gulf Coast Areas during the Benchmark Period. The total volume multiplied by price will be the applicable gross revenue.

– OR –

- b. Federal or state tax returns and financial information as follows:
 - i. If Claimant is an entity, federal tax returns, state tax returns and sufficient documentation to identify components of

gross revenue derived from commercial blue crab and/or Other Seafood harvesting by vessel for the Benchmark Period for each vessel for which the Claimant submits a Vessel Owner/Commercial Fisherman Vessel Lessee claim.

- ii. If Claimant is an individual, federal form 1040 including Schedules C, E and F or state tax forms and supporting documents as well as sufficient documentation to identify by vessel components of gross earnings derived from commercial blue crab and/or Other Seafood harvesting for the Benchmark Period for each vessel for which the Claimant submits a Vessel Owner/Commercial Fisherman Vessel Lessee claim.
 - iii. In addition, the Claimant must provide sufficient documentation for the Claims Administrator to be able to identify (i) the Claimant's revenue from blue crab and/or Other Seafood as compared to other sources and (ii) Claimant's revenue from landings in the Gulf Coast Areas. If necessary, the Claims Administrator may require supplemental information from the Claimant in order to make these determinations.
- c. In addition, if available, it is requested that the Claimant also provide the following documents, to assist the Claims Administrator:
- i. Vessel log book
 - ii. Share sheets
 - iii. Proof of vessel size and type
 - iv. Sales or other production reports maintained in the normal course of business

2. Boat Captains

Boat Captains seeking compensation under the Historical Revenue Method must provide documents sufficient to prove the eligibility requirements in Section I.A.2 above and to determine compensation pursuant to Section I.C. or I.D. below, including the following:

- a. Trip tickets or their equivalents for each vessel for which the Claimant seeks compensation, which show the volume of blue crab and/or Other Seafood harvested and the sales price as shown on the trip tickets or their equivalents for the Benchmark Period for blue crab and/or Other Seafood landed in the Gulf Coast Areas. The

total volume multiplied by price will be the applicable gross revenue.

– OR –

- b. Federal tax returns, including Schedules C, E and F, W-2s, and 1099s or state tax returns with supporting documents for the Benchmark Period and sufficient documentation to identify those components of gross earnings derived from commercial blue crab and/or Other Seafood harvesting for the Benchmark Period for the vessel(s) selected by the Claimant. In addition, the Claimant must provide sufficient documentation for the Claims Administrator to be able to identify revenue from blue crab and/or Other Seafood landings in the Gulf Coast Areas for each vessel while the Claimant was Boat Captain. If necessary, the Claims Administrator may require supplemental information from the Claimant in order to make these determinations.
- c. In addition, if available, it is requested that the Claimant also provide the following documents, to assist the Claims Administrator:
 - i. Captain's log book
 - ii. Vessel log book
 - iii. Share sheets
 - iv. Proof of vessel size and type for Captained vessels
 - v. Sales or other production reports maintained in the normal course of business

C. Compensation Calculations for Blue Crab

The Claims Administrator shall determine compensation separately for blue crab and for Other Seafood. The compensation for gross revenue or earnings attributable to blue crab is determined as set forth in Section I.C. The separate and independent compensation for gross revenue or earnings attributable to Other Seafood is determined as set forth in Section I.D.

- 1. Calculate Benchmark Blue Crab Revenue.
 - a. If trip tickets or their equivalents are used, the volume and price of blue crab on the trip tickets or their equivalents are used to calculate gross revenue from blue crab landed in the Gulf Coast Areas. If the Claimant is a Vessel Owner/Commercial Fisherman Vessel Lessee, the Claimant may provide trip tickets for the Benchmark Period for each Vessel for which compensation is

being sought. If the Claimant is a Boat Captain, the Claimant may provide trip tickets or their equivalents for all vessels the Claimant served as a Captain during the Benchmark Period.

– OR –

- b. The Claims Administrator may determine the gross vessel revenue or Boat Captain earnings from blue crab landings in the Gulf Coast Areas based on the Claimant's tax returns or financial information if the Claims Administrator has sufficient information to determine: (i) Claimant's revenue from blue crab as compared to other sources and (ii) Claimant's revenue from blue crab landings in the Gulf Coast Areas. If necessary, the Claims Administrator may require supplemental information from the Claimant in order to make these determinations.

2. Calculate Total Adjusted Benchmark Blue Crab Revenue by multiplying the Adjusted Benchmark Blue Crab Revenue by 1.2, the Adjustment for Changes in 2010-11 Prices.

Total Adjusted Benchmark Blue Crab Revenue =
(Benchmark Blue Crab Revenue * Adjustment for Changes in 2010-11 Prices).

3. If (i) the Claimant is a Vessel Owner/Commercial Fisherman Vessel Lessee or (ii) the Claimant is a Boat Captain and Benchmark Revenue was calculated using trip tickets or their equivalents, calculate Benchmark Blue Crab Cost. Benchmark Blue Crab Cost is calculated by multiplying Benchmark Blue Crab Revenue by the Blue Crab Cost Percentage of 35%. The Blue Crab Cost Percentage is expressed as a percentage of revenue and reflects standard industry non-labor variable costs. If the Claimant is a Boat Captain and Benchmark Revenue was calculated based upon his earnings, such as from tax returns or financial information, then no Blue Crab Cost Percentage is applied, skip to step 4.

Benchmark Blue Crab Cost = (Benchmark Blue Crab Revenue * Blue Crab Cost Percentage)

4. Calculate the Base Blue Crab Loss using the Blue Crab Loss Percentage of 35%.
 - a. If (i) the Claimant is a Vessel Owner/Commercial Fisherman Vessel Lessee or (ii) the Claimant is a Boat Captain and Benchmark Revenue was calculated using trip tickets or their equivalents, the Base Loss is calculated as follows:

Base Blue Crab Loss =
(Total Adjusted Benchmark Blue Crab Revenue – Benchmark Blue Crab Cost) * 35%

- b. If the Claimant is a Boat Captain and Total Adjusted Benchmark Revenue was calculated using a different source than trip tickets or their equivalents, the Base Loss is calculated as follows:

$$\text{Base Blue Crab Loss} = \text{Adjusted Benchmark Blue Crab Revenue} * 35\%$$

5. Determine Base Compensation by multiplying Base Blue Crab Loss by the appropriate Vessel Owner/Commercial Fisherman Vessel Lessee share. Vessel Owner and Boat Captain shares are presented in Table 1.

- a. Base Compensation for Vessel Owners/Commercial Fisherman Vessel Lessees is calculated as:

$$\text{Base Compensation} = \text{Base Blue Crab Loss} * 50\%$$

- b. Base Compensation for Blue Crab Boat Captains is calculated as:

- i. if Blue Crab Boat Captain Compensation is calculated based on trip tickets, then the Base Compensation for Blue Crab Boat Captain is calculated as:

$$\text{Base Compensation} = \text{Base Blue Crab Loss} * 30\%$$

- ii. If Blue Crab Boat Captain Compensation is calculated based on tax returns and financial records, Compensation for Blue Crab Boat Captain is calculated as:

$$\text{Base Compensation} = \text{Base Blue Crab Loss}$$

TABLE 1

BLUE CRAB VESSEL OWNER/COMMERCIAL FISHERMAN VESSEL LESSEE SHARE	BLUE CRAB BOAT CAPTAIN SHARE
50%	30%

6. Apply the RTP to Base Compensation in order to determine Final Compensation. Base Compensation is specific to Claimant type and is found in Table 2.

$$\text{Final Blue Crab Compensation} = \text{Base Compensation} + (\text{Base Compensation} * \text{RTP})$$

TABLE 2

	BLUE CRAB VESSEL OWNERS/COMMERCIAL FISHERMAN VESSEL LESSEES	BLUE CRAB BOAT CAPTAINS
RTP	6.0	5.0

In addition, Vessel Owners/Commercial Fisherman Vessel Lessees who receive Final Blue Crab Compensation shall also receive a lump sum payment of \$7,500 per vessel.

D. Compensation Calculations for Other Seafood

1. Calculate Benchmark Other Seafood Revenue

- a. If trip tickets or their equivalents are used, the volume and price of Other Seafood on the trip tickets or their equivalents are used to calculate gross revenue from Other Seafood landed in the Gulf Coast Areas. If the Claimant is a Vessel Owner/Commercial Fisherman Vessel Lessee, the Claimant may provide trip tickets or their equivalents for the Benchmark Period for each Vessel for which compensation is being sought. If the Claimant is a Boat Captain, the Claimant may provide trip tickets for all vessels the Claimant served as a Captain during the Benchmark Period.

– OR –

- b. The Claims Administrator may determine the gross vessel revenue or Boat Captain earnings from Other Seafood landings in the Gulf Coast Areas based on the Claimant's tax returns, monthly profit and loss statements, or financial information if the Claims Administrator has sufficient information to determine: (i) Claimant's revenue from Other Seafood as compared to other sources and (ii) Claimant's revenue from Other Seafood landings in the Gulf Coast Areas. If necessary, the Claims Administrator may require supplemental information from the Claimant in order to make these determinations.

2. Calculate Total Adjusted Benchmark Other Seafood Revenue by multiplying the Additional Catch Adjusted Benchmark Other Seafood Revenue by 1.1, the Adjustment for Changes in 2010-11 Prices.

Total Adjusted Benchmark Other Seafood Revenue =
(Benchmark Other Seafood Revenue * Adjustment for Changes in 2010-11 Prices).

3. If (i) the Claimant is a Vessel Owner/Commercial Fisherman Vessel Lessee or (ii) the Claimant is a Boat Captain and Benchmark Revenue was calculated using trip tickets or their equivalents, calculate Benchmark Other Seafood Cost. Benchmark Other Seafood Cost is calculated by multiplying Benchmark Other Seafood Revenue by the Other Seafood Cost Percentage of 35%. The Other Seafood Cost Percentage is expressed as a percentage of revenue and reflects standard industry non-labor variable costs. If the Claimant is a Boat Captain and Benchmark Revenue was calculated based upon his earnings, such as from tax returns or financial information, then no Other Seafood Cost Percentage is applied, skip to step 5.

$$\text{Benchmark Other Seafood Cost} = (\text{Benchmark Other Seafood Revenue} * \text{Other Seafood Cost Percentage})$$

4. Calculate the Base Other Seafood Loss using the Other Seafood Loss Percentage of 10%.
 - a. If (i) the Claimant is a Vessel Owner/Commercial Fisherman Vessel Lessee or (ii) the Claimant is a Boat Captain and Benchmark Revenue was calculated using trip tickets or their equivalents, the Base Loss is calculated as follows

$$\text{Base Other Seafood Loss} = (\text{Total Adjusted Benchmark Other Seafood Revenue} - \text{Benchmark Other Seafood Cost}) * 10\%$$

- b. If the Claimant is a Boat Captain and Benchmark Revenue was calculated using a different source than trip tickets or their equivalents, the Base Loss is calculated as follows

$$\text{Base Other Seafood Loss} = \text{Total Adjusted Benchmark Other Seafood Revenue} * 10\%$$

5. Determine Base Compensation by multiplying Base Other Seafood Loss by the appropriate Vessel Owner/Commercial Fisherman Vessel Lessee or Boat Captain share. Vessel Owner and Boat Captain shares are presented in Table 3.

- a. Base Compensation for Vessel Owners/Commercial Fisherman Vessel Lessees is calculated as:

$$\text{Base Compensation} = \text{Base Other Seafood Loss} * 50\%$$

- b. Base Compensation for Other Seafood Boat Captains is calculated as:

- i. If Other Seafood Boat Captain Compensation is calculated based on trip tickets, then Other Seafood Boat Captain Base Compensation is calculated as:

$$\text{Base Compensation} = \text{Base Other Seafood Loss} * 30\%$$

- ii. If Other Seafood Boat Captain Compensation is calculated based on tax returns and financial records, then Other Seafood Boat Captain Base Compensation is calculated as:

$$\text{Base Compensation} = \text{Base Other Seafood Loss}$$

TABLE 3

OTHER SEAFOOD VESSEL OWNER/COMMERCIAL FISHERMAN VESSEL LESSEE SHARE	OTHER SEAFOOD BOAT CAPTAIN SHARE
50%	30%

6. Apply the RTP to Base Compensation in order to determine Final Compensation. Base Compensation is specific to Claimant type and is found in Table 1.

$$\text{Final Compensation} = \text{Base Compensation} + (\text{Base Compensation} * \text{RTP})$$

TABLE 4

	OTHER SEAFOOD VESSEL OWNERS/COMMERCIAL FISHERMAN VESSEL LESSEES	OTHER SEAFOOD BOAT CAPTAINS
RTP	5.5	4.5

II. Vessel Lease Compensation Allocation

To the extent the Vessel was leased by the Vessel Owner to the Commercial Fisherman Vessel Lessee as of April 20, 2010, compensation will be allocated between the parties based upon Benchmark Revenue, as calculated above and Annual Lease Payment. The Annual Lease Payment shall be calculated as the annual payment to the Vessel Owner by the Commercial Fisherman Vessel Lessee for the lease in effect as of April 20, 2010. The ratio of the Annual Lease Payment to Benchmark Revenue multiplied by the Final Compensation determines the

Vessel Owner Share of Final Compensation. The Commercial Fisherman Vessel Lessee's Share of Compensation is Final Compensation less the Vessel Owner's Share of Final Compensation.

Vessel Owner Share of Final Compensation = Final Compensation * (Annual Lease Payment / Benchmark Revenue)

Commercial Fisherman Vessel Lessee's Share of Final Share of Compensation = Final Compensation - Vessel Owner Share of Final Compensation.

Seafood Crew Compensation Plan for Individuals Who Are Seafood First Mates, Seafood Second Mates, Seafood Boatswains, and Seafood Deckhands

Overview

This **Seafood Crew Compensation Plan** is for Class Members who are **Seafood First Mates, Seafood Second Mates, Seafood Boatswains** and **Seafood Deckhands** claiming economic loss from employment by a **Commercial Fisherman** due to or resulting from the *Deepwater Horizon* oil spill. Claimants seeking compensation under Category I or III must show they were employed by a **Commercial Fisherman** in 2009, and Claimants seeking compensation under Category II must show that they were employed by a **Commercial Fisherman** in 2009 or that they had accepted a job offer to work for a **Commercial Fisherman** in 2010.

Any eligible Claimant may receive compensation based upon one of the following three categories (but no more than one of the three categories), provided the Claimant satisfies the requirements outlined below.

- I. INDIVIDUAL CLAIMANTS WITH TAX INFORMATION OR PAY PERIOD EARNINGS DOCUMENTATION FOR 2009: Applies to Claimants providing **Tax Information Documents** or **Pay Period Earnings Documentation** for the selected **Base Year(s)**. Requirements detailed in Section I must be fulfilled.

- II. INDIVIDUAL CLAIMANTS WITHOUT TAX INFORMATION OR PAY PERIOD EARNINGS DOCUMENTATION WHO SUBMIT A CLAIMANT SWORN WRITTEN STATEMENT AND EMPLOYER SWORN WRITTEN STATEMENT TO ESTABLISH EARNINGS: Applies to two types of Claimants: (i) those without sufficient **Tax Information Documents** or **Pay Period Earnings Documentation** regarding 2009 earnings, but who provide **Sworn Written Statements** (from both the Claimant and the Claimant's employer) presenting employment and compensation information for 2009; and (ii) those with proof of an offer of employment in a **Claiming Job** for 2010. Requirements detailed in Section II must be fulfilled.

- III. INDIVIDUAL CLAIMANTS WITHOUT TAX INFORMATION OR PAY PERIOD EARNINGS DOCUMENTATION WHO SUBMIT A CLAIMANT SWORN WRITTEN STATEMENT, SPONSOR SWORN WRITTEN STATEMENT(S) AND ATTORNEY SWORN WRITTEN STATEMENT (IF APPLICABLE) TO ESTABLISH EARNINGS: Applies to Claimants without sufficient **Tax Information Documents** or **Pay Period Earnings Documentation** and without an **Employer Sworn Written Statement** to document earnings for 2009 but who provide at least three **Sworn Written Statements** presenting employment and compensation information for 2009. Requirements detailed in Section III must be fulfilled.

Definitions

The following defined terms used in this **Seafood Crew Compensation Plan** shall have the meanings set forth below and be presented in **bold-faced type**.¹³

- A. **Actual Earnings:** Claimant's **Income** actually earned from the **Claiming Job**.
- B. **Base Year(s):** A Claimant selected period, applicable to Category I only, 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 **Seafood Crew Compensation Plan** for all purposes for which a **Base Year(s)** is required for that Claimant. Provided further, a Claimant is restricted to the following three options in choosing the Claimant's **Base Year(s)**.
 - 2009; or
 - The average of 2008 and 2009; or
 - The average of 2007, 2008 and 2009.
- C. **Benchmark Period:** For purposes of this **Seafood Crew Compensation Plan**, the **Benchmark Period** for claimants in Category I is the period of April 20 through December 31 of the year or years selected from the **Base Year(s)**, and the **Benchmark Period** for claimants in Categories II and III is April 20, 2009 through December 31, 2009. The **Benchmark Period** is used to establish baseline earnings to be used in calculating the Claimant's lost earnings arising out of the harvesting of seafood due to the *Deepwater Horizon* oil spill.
- D. **Category II Aggregate Compensation Amount:** \$80 million is the Aggregate Compensation Amount for Category II claims.
- E. **Category III Aggregate Compensation Amount:** \$50 million is the Aggregate Compensation Amount available to pay Category III claims.
- F. **Claiming Job(s):** The job held by the Claimant that meets the definition of **Seafood First Mate, Seafood Second Mate, Seafood Boatswain** or **Seafood Deckhand**.
- G. **Claims Administrator:** The Claims Administrator and related staff appointed pursuant to the *Deepwater Horizon* Economic And Property Damages Settlement Agreement.
- H. **Income:** Gross earnings from the **Claiming Job**.

¹³ These definitions apply to the **Seafood Crew Compensation Plan** only and not to other aspects of the **Seafood Compensation Program** generally.

- I. **Pay Period Earnings Documentation:** Documentation sufficient to establish a Claimant's earnings from employment and hours worked during the applicable **Benchmark Period**. 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
 - Receipts or records from check cashing or payday loan services and supporting documentation indicating the source of those funds; 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).
- J. **Tax Information Documents:** **Tax Returns** or Forms W-2 and/or 1099s.
- K. **Tax Returns:** Federal or state income tax returns, including any relevant supporting schedules.
- L. **Sworn Claim Form:** 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)** for **Category I**. The Claimant shall attach required documents supporting the claim. All statements made in, and documents submitted with, the **Sworn 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 the relevant **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 Claimant's chosen **Base Year(s)**. 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.

I. CATEGORY I: INDIVIDUAL CLAIMANTS WITH TAX INFORMATION OR PAY PERIOD EARNINGS DOCUMENTATION FOR 2009

Category I is open to all eligible Class Members claiming economic loss arising out of the harvesting of Seafood where the Claimant was employed by a **Commercial Fisherman** in 2009, worked or anticipated to work harvesting Seafood in 2010, and can provide sufficient documentation as set forth below. Claimant must provide either: (i) Claimant's federal or state **Tax Information Documents (Tax Returns** or Forms W-2 and/or 1099) for the selected **Base Year(s)** or (ii) **Pay Period Earnings Documentation** sufficient to establish earnings from the **Claiming Job** for the selected **Base Year(s)**. The Claimant's compensation shall be calculated as set forth in Section I.D below and shall be based on the earnings from the **Benchmark Period** and the applicable **RTP**.

A. Documentation Requirements

- 1. Documentation Establishing Employment Earnings:** For each year included in the selected **Base Year(s)**, 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 from the **Claiming Job**; or
- Forms 1099 documenting earnings from the **Claiming Job**.

AND/OR

For each year included in the selected **Base Year(s)**, **Pay-Period Earnings Documentation** sufficient to establish the source(s) and amounts of earnings, which may include as follows:

- Bank records showing income deposits and supporting documentation indicating the source of those deposits; and/or
- Documents from BP/GCCF/Transition Facility showing payment and the Claimant's BP/GCCF/Transition Facility Claim Number;
- Receipts or records from check cashing services or payday loan services and supporting documentation indicating the source of the funds; 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 for the **Claiming Jobs**.

2. **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 2009 or 2010 licenses (even if it had expired), if appropriate, or a print out from a public database providing the same information as would be provided by the original document.

c. **Work Availability:** A statement and documentation sufficient to establish that the Claimant was present and available to work in close enough proximity to the location of employment to travel to the job as frequently as required by the employer during the period from April 21, 2010 through December 31, 2010.

- i. Documentation that could demonstrate presence and availability includes, but is not limited to, the following:
 - (A) Proof of home ownership and address; or
 - (B) A lease or rental agreement; or
 - (C) A sublease agreement; or
 - (D) Contemporaneous utility bills.

- ii. Documentation that could demonstrate location of employment includes, but is not limited to, the following:
 - (A) Employer's business name and address; or
 - (B) Jobsite location; or
 - (C) Docking and port information for a vessel.

3. Seafood Spill-Related Payments:

The Claimant shall provide a Sworn Written Statement attesting whether or not the Claimant received any Seafood Spill-Related Payments. If the Claimant received Seafood Spill-Related Payments, the Claimant shall provide documents sufficient to establish the timing, amount and source of Seafood Spill-Related Payments, including documents providing the claimant's BP/GCCF/Transition Facility Claim Number, if applicable, and any corresponding payments.

B. Causation Requirements

For Claimant's who satisfy the Documentation Requirements, the DWH Spill shall be presumed to be the cause of the Claimant's lost earnings for a **Claiming Job**.

C. RTP

An **RTP** of 2.25 shall apply to all Claimants with claims that qualify for compensation under Category I of this **Seafood Crew Compensation Plan**.

D. Compensation Calculation

The **Claims Administrator** shall use **Tax Information Documents** and/or **Pay Period Earnings Documentation** and/or other supporting documentation provided by the Claimant to calculate the Claimant's lost earnings from the **Claiming Job**. The Claimant's lost earnings shall be calculated as 37% of the average **Actual Earnings** from the **Claiming Jobs** held by the Claimant during the **Benchmark Period**. The Claimant shall receive a lump-sum payment of this amount. Claimants who provide documents sufficient to prove **Work Availability** as set forth in Section I.A.2.c above will also receive the applicable **RTP**.

II. INDIVIDUAL CLAIMANTS WITHOUT TAX INFORMATION OR PAY PERIOD EARNINGS DOCUMENTATION WHO SUBMIT A CLAIMANT SWORN WRITTEN STATEMENT AND EMPLOYER SWORN WRITTEN STATEMENT TO ESTABLISH EARNINGS

Category II is open to all eligible **Class Members** who anticipated working in the **Seafood Industry** in 2010 and can provide sufficient documentation as set forth below, through two alternative methods. First, any Claimant who does not have sufficient **Tax Information Documents** or **Pay Period Earnings Documentation** for the **Claiming**

Job evidencing the Claimant's earnings during 2009 may instead establish lost earnings and causation by submitting, in addition to a **Sworn Claim Form**, (a) a **Claimant Sworn Written Statement** with specified contents (see below), (b) one or more **Employer Sworn Written Statement(s)** providing information for 2009, and (c) any other specified documentation (see below). If the Claimant submits an **Employer Sworn Written Statement** from a parent, grandparent, child, grandchild, spouse, brother, sister, aunt, uncle, niece, nephew, brother-in-law, sister-in-law, step-parent, step-brother, step-sister or step-child of the Claimant, then the Claimant shall submit an additional **Sponsor Sworn Written Statement** from a person not related to the Claimant. The Claimant's compensation shall be calculated as set forth in Section II.D below and shall be based on the earnings from 2009 in the **Benchmark Period** and the applicable **RTP**.

In addition, Claimants who can establish that they were offered and accepted employment in a **Claiming Job** prior to April 20, 2010 for the period of April 20, 2010 through December 31, 2010 and that the offer was withdrawn or rescinded in whole or part after April 20, 2010 may establish lost earnings and causation by submitting, in addition to a **Sworn Claim Form**, (a) a **Claimant Sworn Written Statement** with specified contents (see below), (b) one or more **Employer Sworn Written Statements(s)** providing information related to the job offer, and (c) any other specific documentation (see below).

All Claimants who seek compensation under Category II shall submit the **Sworn Claim Form** and all necessary documents in a final and complete form no later than the **Bar Date**. Any claim that is not filed as of the **Bar Date** shall be rejected, and the Claimant shall receive no compensation under this **Settlement Agreement** for the Claimant's lost earnings for the **Claiming Job**.

The **Claims Administrator** shall receive and process claims under Category II as required to allow for Claimant and/or the **Claims Administrator** to supplement the claim or acquire any additional necessary information or documentation. However, no Category II claim shall be paid until after the **Bar Date**. After the **Bar Date**, the **Claims Administrator** shall process as expeditiously as possible all timely submitted claims as described in further detail in Section II.C below.

A. Documentation And Causation Requirements:

A Category II claimant must provide a **Sworn Claim Form** and the documents identified below. The **Claims Administrator** shall review and assess the documentation provided by the Claimant, including information from the Claimant's employer(s), and any other information deemed relevant by the **Claims Administrator**, for purposes of determining whether the Claimant had earnings in 2009 from employment as a **Seafood First Mate, Seafood Second Mate, Seafood Boatswain or Seafood Deckhand** or whether the Claimant had a legitimate job offer that was rescinded or withdrawn in whole or in part for employment as a **Seafood First Mate, Seafood Second Mate, Seafood Boatswain or Seafood Deckhand**. The **Claims Administrator** shall rely on his assessment of the credibility and reliability of the information submitted in determining if the causation

requirement is satisfied and the amount of any lost earnings arising out of the harvesting of Seafood due to the *Deepwater Horizon* oil spill.

1. Claimant Sworn Written Statement: The Claimant shall submit a **Claimant Sworn Written Statement** which sets forth all of the following information and shall attach any relevant documents in Claimant's possession:

- a. The Claimant's employment history with each employer, including, for example, the nature of the work performed, number of years worked, whether the employment is steady or seasonal, year-round or intermittent, and the circumstances of the Claimant's departure and/or termination, if applicable. At a minimum, the Claimant shall include for each of the Claimant's employers in 2009, the business name, last known address and telephone number.
- b. The Claimant's income from all sources in 2009, and any other earnings history that the Claimant believes is relevant to support the claim, including any support for the Claimant's belief that these actual earned amounts are accurate.
- c. A statement attesting whether or not the Claimant received any Seafood Spill-Related Payments. If the Claimant received Spill-Related Payments, the Claimant shall provide documents sufficient to establish the timing, amount and source of Seafood Spill-Related Payments, including documents providing the claimant's BP/GCCF/Transition Facility Claim Number, if applicable, and any corresponding payments.
- d. **Work Availability:** A statement and documents sufficient to establish that the Claimant was present and available to work in close enough proximity to the anticipated location of employment to travel to the job as frequently as required by the employer during the period from April 21, 2010 through December 31, 2010.
 - i. To be potentially eligible for an **RTP**, the Claimant must satisfy the above requirement for the period April 21, 2010 through December 31, 2010.
 - ii. Documentation that could demonstrate presence and availability includes, but is not limited to, the following:
 - (A) A lease or rental agreement; or
 - (B) A sublease agreement; or
 - (C) Contemporaneous utility bills.

- iii. Documentation that could demonstrate location of employment includes, but is not limited to, the following:
 - (A) Employer's business name and address; or
 - (B) Jobsite location; or
 - (C) Docking and port information for a vessel.
- e. If the Claimant is seeking compensation based on a job offer, the Claimant shall provide proof of an offer of employment made and accepted prior to April 20, 2010 for employment between April 21 and December 31, 2010. The proof must include information sufficient to establish proposed start and end dates, wage rates and projected hours, and withdrawal in whole or part of the offer during the period April 21 through December 31, 2010.

2. Claimant Employability Documentation:

In order to prove employability, the Claimant should provide both:

- a. 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, or a print out from a public database providing the same information as would be provided by the original document.

AND

- b. Evidence that the Claimant was at least 16 years of age as of April 20, 2010. Acceptable evidence includes a valid driver's license, a valid passport, or a 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.

- 3. Licensing Documentation:** If the Claimant's employment in the **Claiming Job** requires a government-issued license/permit, the Claimant shall provide a copy of 2009 license(s) (even if it had expired), or a print out from a public database providing the same information as would be provided by the original document.

- 4. Employer Sworn Written Statement:** The Claimant shall submit an **Employer Sworn Written Statement** from at least one of the Claimant's employers for 2009, which sets forth the following information with any relevant documents attached.

a. Employer Information

- i. Employer's business name
- ii. Address(es)
- iii. Telephone number(s)
- iv. Website(s), if available
- v. A description of the nature of the business
- vi. Compensation practices (for example, weekly or bi-weekly pay periods), wage rates, and typical hours worked for employees holding jobs comparable to the **Claiming Job**.
- vii. The size and scale of the employer's business, such as:
 - (A) Size of the vessel;
 - (B) Best estimate of the number of customers;
 - (C) Best estimate of the volume of product produced (such as volume of seafood harvested);
 - (D) Best estimate of the number of full-time and part-time employees; or,
 - (E) Financial information
- viii. The number of **Employer Sworn Written Statements** submitted on behalf of any **Seafood Crew Compensation Plan**.

b. Employee Information

- i. The Claimant's employment history with employer, including, for example, the nature of the work performed, number of years worked, whether the employment is steady or seasonal, year-round or intermittent, and the circumstances of the Claimant's departure and/or termination, if applicable.
- ii. The Claimant's wage rate and total compensation for 2009. If the employer cannot provide precise actual dates and times, it shall be sufficient for the employer to provide more general information satisfying this standard – for example, "Claimant was employed for 30 days at a rate of

\$100 per day for 12 weeks during the months of June - August 2009”.

- iii. If the employer (i) employed the Claimant and/or (ii) offered the Claimant employment during the period from April 20, 2010 to December 31, 2010, the employer shall provide the following:
 - (A) How the employer (a) terminated the Claimant's employment, (b) reduced the Claimant's hours of work, (c) withdrew an offer of employment, (d) did not extend an offer of seasonal (partial year) employment to the Claimant, or (e) otherwise reduced employee's compensation due to or resulting from the DWH Spill with sufficient detail to permit the **Claims Administrator** to calculate the Claimant's lost hours of work and lost earnings from such employment during such period.
 - (B) A specific explanation of how (i) the reduction of Claimant's hours of work, or (ii) the withdrawal of, or (iii) the failure to extend, an offer of employment was due to or resulting from the DWH Spill.

The number of **Employer Sworn Written Statements** submitted by an employer on behalf of the Claimant and any other Claimants shall be monitored by the **Claims Administrator** for reasonableness in light of the employer's operations. For example, it would be anticipated that a 45-foot boat would have approximately two full-time equivalent employees, or that a 75-foot boat would have approximately three full-time equivalent employees.

5. Sponsor Sworn Written Statement:

If the Claimant submits an **Employer Sworn Written Statement** from a parent, grandparent, child, grandchild, spouse, brother, sister, aunt, uncle, niece, nephew, brother-in-law, sister-in-law, step-parent, step-brother, step-sister or step-child of the Claimant, the Claimant shall also submit a **Sponsor Sworn Written Statement** which sets forth the following information with any relevant documents attached.

- a. The sponsor's name, address, daytime and evening telephone numbers, Social Security number or government issued identification number, and the length of time the sponsor has resided at their current address.
- b. A statement that a true and correct copy of one (or more) of the following forms of valid identification of the sponsor is attached: valid driver's license, Social Security card, valid U.S. Passport,

Green Card, and attached copies, or verification from a public database that the sponsor has one or more of the listed items.

- c. The sponsor's relationship to the Claimant, which must be other than the parent, grandparent, child, grandchild, spouse, brother, sister, aunt, uncle, niece, nephew, brother-in-law, sister-in-law, step-parent, step-sister, step-brother or step-child of the Claimant and the basis for the sponsor's personal knowledge of the Claimant's employment.¹⁴
- d. A description of the Claimant's employment prior to April 20, 2010, if relevant, the Claimant's expected employment as a **Seafood First Mate, Seafood Second Mate, Seafood Boatswain, or Seafood Deckhand** thereafter, and the sponsor's basis of knowledge for these facts.
 - i. An explanation of how the reduction of Claimant's hours of work, termination of the Claimant's employment, or withdrawal of an offer of employment during the period from April 21, 2010 through December 31, 2010, was due to or resulting from the DWH Spill and the sponsor's basis of knowledge for these facts.
 - ii. A representation that the sponsor has not submitted a **Sponsor Sworn Written Statement** for more than ten other claimants.
 - iii. A representation that the sponsor understands and acknowledges that the **Claims Administrator** will rely on statements in the **Sponsor Sworn Written Statement**, which acknowledgement the sponsor verifies under penalty of perjury is true and correct.
 - iv. A representation that the sponsor understands that fraudulent claims and statements will be prosecuted to the full extent of the law.

B. Interviews

1. The **Claims Administrator** shall have the right to interview all Claimants, employer(s) and sponsor(s) as the **Claims Administrator** deems appropriate. For example, if an employer submits **Employee Sworn Statements** on behalf of more employees than the **Claims Administrator** determines could reasonably have been employed in the job by the

¹⁴ The standard to be applied is whether or not the Sponsor's statement contains facts that would allow the Sponsor to testify under the Federal Rules of Evidence as being within the Sponsor's personal knowledge.

employer, then the **Claims Administrator** may determine an interview of the employer is appropriate. The **Claims Administrator** shall follow the Interview Guidelines contained in Exhibit 83 of the *Deepwater Horizon* Economic and Property Settlement Agreement (Addendum to Individuals Framework - Interviews of Claimants Alleging Individual Economic Loss and Other Individuals Providing Sworn Statements in Support of Such a Claim).

C. RTP

An **RTP** of 2.25 shall apply only to Claimants with claims that qualify for compensation under Category II of this **Seafood Compensation Plan** and who provide documents sufficient to prove **Work Availability** as set forth in Section II.A.1.d above.

D. Description Of Compensation Calculation And Distribution Of Payments

The **Claims Administrator** shall determine the amount of Claimant's lost earnings relating to employment by a **Commercial Fisherman** due to or resulting from the *Deepwater Horizon* oil spill based on the totality of the information provided by the Claimant and the Claimant's employer(s), including the **Sworn Claim Form**, the **Claimant Sworn Written Statement**, the **Employer Sworn Written Statement(s)**, and, if applicable, the **Sponsor Sworn Written Statement(s)**, and any other supporting documentation provided by the Claimant. The Claims Administrator cannot rely solely on the **Claimant Sworn Written Statement** for proof of lost earnings.

The **Claims Administrator** shall receive and process claims under Category II as required to allow for Claimants and/or the **Claims Administrator** to supplement the claim or acquire any additional necessary information or documentation. No Category II claim shall be paid until after the **Bar Date**. After the **Bar Date** for Category II claims, the **Claims Administrator** shall determine whether each Claimant who timely submitted a Category II claim is eligible and qualified to receive compensation.

The **Claims Administrator** shall determine compensation for Category II Claimants as follows. For claimants that establish a valid job offer, their lost potential earnings relating to potential employment by a **Commercial Fisherman** due to or resulting from the *Deepwater Horizon* oil spill shall be calculated as the wages that the Claims Administrator establishes would have been earned from April 21, 2010 through December 31, 2010. For example, if the Claimant validly established a qualifying job offer for 40 hours per week that was revoked, the Claimant could establish lost earnings of the hourly wage times 40 hours per week times 36 weeks.

For Category II claimants, the Claimant's base compensation shall be calculated as: (i) 37% of the **Actual Earnings** from the **Claiming Jobs** held by the Claimant during the **Benchmark Period**; or, (ii) as 37% of the Claimant's potential earnings for April 20, 2010 through December 31, 2010.

The Claimant shall receive a lump-sum payment equal to the Claimant's base compensation plus any applicable RTP.

No Claimant in Category II shall receive more than \$9,500 in base compensation before application of the RTP. Further, if the total aggregate amount of Category II compensation claims for all claimants who have timely submitted eligible and qualifying Category II claims exceeds the **Aggregate Compensation Amount for Category II**, then Category II claimants will be subject to a pro rata reduction in compensation. If the **Aggregate Compensation Amount for Category II** is not exhausted, then any remaining amount within the **Aggregate Compensation Amount for Category II** shall be distributed as part of the balance described in the “General Framework and Overview of Seafood Compensation Program Distribution” Section of the Seafood Compensation Program.

There are no appeal process rights available under Category II of the **Seafood Crew Compensation Plan**. The decision of the **Claims Administrator** is final and not appealable.

III. CLAIMANTS WITHOUT TAX INFORMATION OR PAY PERIOD EARNINGS DOCUMENTATION WHO SUBMIT A CLAIMANT SWORN WRITTEN STATEMENT, SPONSOR SWORN WRITTEN STATEMENT(S) AND ATTORNEY SWORN WRITTEN STATEMENT (IF APPLICABLE) TO ESTABLISH EARNINGS

Any Claimant who does not have **Tax Information Documents** or **Pay Period Earnings Documentation** for the **Claiming Job** evidencing the Claimant’s earnings during 2009 may instead establish lost earnings and causation, by submitting in addition to a **Sworn Claim Form**: (a) a **Claimant Sworn Written Statement** with specified contents, (b) one or more **Sponsor Sworn Written Statement(s)** and/or one or more **Attorney Sworn Written Statements(s)**, and (c) any other specified documentation. In addition, the **Claims Administrator** may interview the Claimant and/or the sponsor(s) and/or the attorney(s) if the **Claims Administrator** determines an interview is appropriate.

All Claimants who seek compensation under Category III shall submit the **Sworn Claim Form** and all necessary documents in a final and complete form no later than the **Bar Date**. Any claim that is not filed as of the **Bar Date** shall be rejected, and the Claimant shall receive no compensation under this **Settlement Agreement** for the Claimant’s lost earnings for the **Claiming Job**.

The **Claims Administrator** shall receive and process claims under Category III as required to allow for Claimants and/or the **Claims Administrator** to supplement the claim or acquire any additional necessary information or documentation. However, no Category III claim shall be paid until after the **Bar Date**. After the **Bar Date**, the **Claims Administrator** shall process as expeditiously as possible all timely submitted claims as described in further detail in subsection C below.

There are no appeal process rights available under Category III of the **Seafood Crew Compensation Plan**. The decision of the **Claims Administrator** is final and not appealable.

A. Documentation And Causation Requirements:

A Category III claimant must provide a **Sworn Claim Form** and all of the documents identified below. The **Claims Administrator** shall review and assess the documentation provided by the Claimant, including information from the Claimant's sponsor(s) and/or attorney(s), and any other information deemed relevant by the **Claims Administrator**, for purposes of determining whether the Claimant had **Actual Earnings** in 2009 from employment as a **Seafood First Mate, Seafood Second Mate, Seafood Boatswain or Seafood Deckhand**. The **Claims Administrator** shall rely on his assessment of the credibility and reliability of the information submitted in determining if the causation requirement is satisfied and the amount of any lost earnings relating to employment by a **Commercial Fisherman** due to or resulting from the *Deepwater Horizon* oil spill.

1. **Claimant Sworn Written Statement:** The Claimant shall submit a **Claimant Sworn Written Statement** which sets forth all of the following information and shall attach any relevant documents in Claimant's possession:
 - a. Information about each employer for whom a claimant worked at any time in 2009 and/or 2010, including, for example, the nature of the work performed, number of years worked, whether the employment is steady or seasonal, year-round or intermittent, and the circumstances of the Claimant's departure and/or termination, if applicable. At a minimum, the Claimant shall include the following:
 - i. The business name, last known address, and telephone number of each of Claimant's employers for 2009 and/or 2010.
 - b. The Claimant's actual earned income from all sources in 2009 and 2010, and any other earnings history that the Claimant believes is relevant to support the claim, including any support for the Claimant's belief that these actual earned amounts are accurate.
 - c. An explanation of how the reduction of Claimant's hours of work, termination of the Claimant's employment, and/or withdrawal of an offer of employment related to the **Claiming Job(s)** for the period from April 21 through December 31, 2010 was due to or resulting from the DWH Spill.
 - d. The name, address and telephone number of any individual submitting a **Sponsor Sworn Written Statement** and the Claimant's relationship to such sponsor and/or the name, address and telephone number of an attorney submitting an **Attorney Sworn Written Statement**.

- e. A Sworn Statement attesting whether or not the Claimant received any Seafood Spill-Related Payments. If the Claimant received Seafood Spill-Related Payments, the Claimant shall provide documents sufficient to establish the timing, amount and source of Seafood Spill-Related Payments, including documents providing the claimant's BP/GCCF/Transition Facility Claim Number, if applicable, and any corresponding payments.
- f. A statement and documents sufficient to establish that the Claimant was present and available to work in close enough proximity to the anticipated location of employment to travel to the job as frequently as required by the employer during the period from April 21, 2010 through December 31, 2010.
- i. Documentation that could demonstrate presence and availability includes, but is not limited to, the following:
 - (A) A lease or rental agreement; or
 - (B) A sublease agreement; or
 - (C) Contemporaneous utility bills.
- ii. Documentation that could demonstrate the location of employment or anticipated location of employment includes, but is not limited to, the following:
 - (A) Employer's business name and address; or
 - (B) Jobsite location; or
 - (C) Docking and port information for a vessel.

2. Claimant Employability Documentation:

Consists of both:

- a. 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, or a print out from a public database providing the same information as would be provided by the original document.

AND

- b. Evidence that the Claimant was at least 16 years of age as of April 20, 2010. Acceptable evidence includes a valid driver's license, a valid passport, or a 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.

3. **Licensing Documentation:** If the Claimant's employment in the **Claiming Job** requires a government-issued license/permit, the Claimant shall provide a copy of valid 2009 and/or 2010 licenses (even if it had expired before that date), or a print out from a public database providing the same information as would be provided by the original document.
4. **Sponsor Sworn Written Statements and/or Attorney Sworn Written Statement:** In addition to the **Claimant Sworn Statement**, the Claimant must submit two additional **Sworn Written Statements**. The Claimant shall be required to submit an **Attorney Sworn Written Statement** if an attorney:
 - a. submitted or pursued a claim on the Claimant's behalf in the OPA Process, or,
 - b. submitted or pursued a claim on the Claimant's behalf in the Transition Process, or,
 - c. submitted or pursued any claim on the Claimant's behalf in the *Deepwater Horizon* Economic Litigation, such as a Plaintiff Profile Form or Short Form Joinder, or
 - d. represents the Claimant for any claims arising from, or related to, the *Deepwater Horizon* Incident.

If the attorney for the Claimant has withdrawn his or her representation of the Claimant, then the Claimant will not be required to submit an **Attorney Sworn Written Statement**. In addition to the **Attorney Sworn Written Statement**, the Claimant shall also submit a **Sponsor Sworn Written Statement**. A sponsor who submits a **Sponsor Sworn Written Statement** may not be the parent, grandparent, child, grandchild, spouse, brother, sister, aunt, uncle, niece, nephew, brother-in-law, sister-in-law, step-parent, step-brother, step-sister or step-child of the Claimant, unless such sponsor employed the Claimant at some time during 2009 or 2010.

If the Claimant is not required to submit an **Attorney Sworn Written Statement** as set forth above, the Claimant must submit either two **Sponsor Sworn Written Statements** (at least one sponsor must be unrelated to the Claimant) or a **Sponsor Sworn Written Statement** and an **Attorney Sworn Written Statement**.

- e. **Sponsor Sworn Written Statement:** a **Sponsor Sworn Written Statement** must include the following information:

- i. The sponsor's name, address, daytime and evening telephone numbers, Social Security number or government issued identification number, and the length of time the sponsor has resided at their current address.
- ii. A statement that a true and correct copy of one (or more) of the following forms of valid identification of the sponsor is attached: valid driver's license, Social Security card, valid U.S. Passport, Green Card, and attached copies, or verification from a public database that the sponsor has one or more of the listed items.
- iii. The sponsor's relationship to the Claimant, which must be other than the parent, grandparent, child, grandchild, spouse, brother, sister, aunt, uncle, , niece, nephew, brother-in-law, sister-in-law, step-parent, step-sister, step-brother or step-child of the Claimant unless such person was the Claimant's employer in 2009 or 2010 and the basis for the sponsor's personal knowledge of the Claimant's employment.¹⁵
- iv. A description of the Claimant's employment prior to April 20, 2010, and, if relevant, the Claimant's expected employment as a **Seafood First Mate, Seafood Second Mate, Seafood Boatswain, or Seafood Deckhand** thereafter, and the sponsor's basis of knowledge for these facts.
- v. An explanation of how the reduction of Claimant's hours of work, termination of the Claimant's employment, or withdrawal of an offer of employment during the period from April 21, 2010 through December 31, 2010, was due to or resulting from the DWH Spill and the sponsor's basis of knowledge for these facts.
- vi. A representation that the sponsor has not submitted a **Sponsor Sworn Written Statement** for more than ten other claimants.
- vii. A representation that the sponsor understands and acknowledges that the **Claims Administrator** will rely on statements in the **Sponsor Sworn Written Statement**, which acknowledgement the sponsor verifies under penalty of perjury is true and correct.

¹⁵ The standard to be applied is whether or not the Sponsor's statement contains facts that would allow the Sponsor to testify under the Federal Rules of Evidence as being within the Sponsors personal knowledge.

- viii. A representation that the sponsor understands that fraudulent claims and statements will be prosecuted to the full extent of the law.
- f. **Attorney Sworn Written Statement:** an **Attorney Sworn Written Statement** must include the following information:
 - i. The attorney's full name, office address, office telephone number, and email address.
 - ii. The attorney's Bar Association membership number.
 - iii. The attorney's relationship to the Claimant, including a description of when the attorney began representation of the Claimant, and the scope of such representation.
 - iv. A representation that the attorney has made a reasonable investigation of the Claimant's **Sworn Claim Form** and **Claimant Sworn Written Statement** and that the attorney's findings are, to the best of the Attorney's knowledge, reasonably consistent with the content of such Claim Form and **Claimant Sworn Written Statement**. Such investigation shall be made by the attorney or a member of the attorney's staff. If a member of the attorney's staff makes the investigation, the **Attorney Sworn Written Statement** shall identify the staff member. Furthermore, whether the attorney or a staff member makes the investigation, the **Attorney Sworn Written Statement** shall state with specificity what steps were taken in the investigation in conducting the investigation.
 - v. A representation that the attorney understands and acknowledges that the Claims Administrator will rely on statements in the Attorney Sworn Written Statement, which acknowledgement the attorney verifies under penalty of perjury is true and correct.

B. Interviews

1. The **Claims Administrator** shall have the right to interview all Claimants and related sponsor(s) and/or attorney(s) in this Category III if the **Claims Administrator** determines an interview is appropriate.¹⁶ The **Claims**

¹⁶ In addition, nothing in this **Seafood Crew Compensation Program** shall in any way limit the right and obligation of the **Claims Administrator** to investigate fully all suspicions of fraudulent conduct by or on behalf of any claimant, including but not limited to conducting any interviews and obtaining any documents the **Claims Administrator** deems necessary.

Administrator shall follow the Interview Guidelines contained in the *Deepwater Horizon* Economic and Property Settlement Agreement.

C. Description Of Compensation Calculation And Distribution Of Payments

The **Claims Administrator** shall determine whether the Claimant is eligible and qualified to receive compensation for a Category III claim based on the totality of the information provided by the Claimant, the Claimant's sponsor(s), and the Claimant's attorney, including the **Sworn Claim Form**, the **Claimant Sworn Written Statement**, the **Claimant Employability Documentation**, the **Licensing Documentation**, the **Sponsor Sworn Written Statement** and/or the **Attorney Sworn Written Statement**, any other supporting documentation provided by the Claimant, and any additional interviews or information as deemed appropriate by the **Claims Administrator**. The Claimant is eligible and qualified to receive compensation for a Category III claim if the **Claims Administrator** determines, based upon this information, that the Claimant had actual earnings from employment as a **Seafood First Mate**, **Seafood Second Mate**, **Seafood Boatswain**, or **Seafood Deckhand** during the time period of January 1, 2009 through April 20, 2010.

The **Claims Administrator** shall receive and process claims under Category III as required to allow for Claimants and/or the **Claims Administrator** to supplement the claim or acquire any additional necessary information or documentation. No Category III claim shall be paid until after the **Bar Date**. After the **Bar Date** for Category III claims, the **Claims Administrator** shall determine whether each Claimant who timely submitted a Category III claim is eligible and qualified to receive compensation. If the **Claims Administrator** determines that a Claimant is eligible and qualified to receive compensation for a Category III claim, the Claimant shall receive a lump-sum payment of \$5,000. If the total aggregate amount of Category III compensation claims for all claimants who have timely submitted eligible and qualifying Category III claims exceeds the **Aggregate Compensation Amount for Category III**, then Category III Claimants will be subject to a pro rata reduction in compensation. If the **Aggregate Compensation Amount for Category III** is not exhausted, then any remaining amount within the **Aggregate Compensation Amount for Category III** shall be distributed as part of the balance described in the "General Framework and Overview of Seafood Compensation Program Distribution" Section of the Seafood Compensation Program.

SEAFOOD SPILL-PAYMENT REDUCTION PROCEDURES

If the Claims Administrator determines that the Claimant has received Seafood Spill-Related Payments, the Claims Administrator shall offset any compensation under the Seafood Compensation Program by the total of the Seafood Spill-Related Payment amount. If a Claimant qualifies for compensation under multiple provisions of the Seafood Compensation Program, the Seafood Spill-Related Payment is only applied once. For example, if a Claimant qualifies to receive: (i) \$275,563 under the Shrimp Reduced Expedited Compensation Program; (ii) \$32,000 under the Blue Crab/Other Seafood Compensation Program; and (iii) received \$25,000 in Seafood Spill-Related Payments, his compensation under the Seafood Compensation Program would be: \$282,563 ($\$275,563 + \$32,000 - \$25,000$).

EXHIBIT 11A

Compensation Framework for Coastal Real Property Claims

1. Eligibility Requirements

- A. **Eligible Claimants** shall be comprised of claimants who do not fall within the exclusions to the **Economic Loss and Property Class Definition** and who are owners or lessees of **Eligible Parcels** satisfying the following criteria:
- i. The claimant owned the **Eligible Parcel** during the time period April 20, 2010 to December 31, 2010; or
 - ii. The claimant was a lessee of the **Eligible Parcel**, and the lease provided for possession of the **Eligible Parcel** for a period of 60 days or longer during the time period April 20, 2010 to December 31, 2010 and the lease was executed prior to April 20, 2010.
- i. The Claims Administrator shall determine whether an **Eligible Claimant(s)** is/are the owner(s) of an **Eligible Parcel**.
- B. **Coastal Real Property Claim Zone** shall be defined as the blue shaded portions of the **Coastal Real Property Claim Zone Map** attached as Appendix A. (See Appendix B for a description of the criteria used to establish the **Coastal Real Property Claim Zone**.)
- C. **Eligible Parcels** shall be comprised of the following two categories:
- i. Parcels located within the **Coastal Real Property Claim Zone** that have a County Land Use Designation included on the list attached as Appendix C. (A parcel is a specific tract of real property defined by a legal description of boundaries used for taxing purposes.)
 - ii. **Deeded Boat Slips** located within the **Coastal Real Property Claim Zone**. **Deeded Boat Slips** shall be defined as boat slips for which the **Eligible Claimant** paid real property tax during the time period April 20, 2010 to December 31, 2010.
- D. An **Eligible Parcel** shall be placed into one of four **Compensation Categories**¹:
- Compensation Category A1** shall consist of **Eligible Parcels** satisfying the following two criteria: (i) the presence of oil was reported on the **Eligible Parcel** by the Deepwater Horizon Unified Command Shoreline Cleanup

¹ Grand Isle, Louisiana and Dauphin Island, Louisiana are included in the **Coastal Real Property Claim Zone** and will be placed into a **Compensation Category** consistent with Section 1. D.

Assessment Teams (**SCAT**) or a Pre-Assessment conducted as part of Phase 1 of the Natural Resources Damages Assessment process (“**NRD Pre-Assessment**”) and (ii) the **Eligible Parcel** includes, or is situated upon, a shoreline for which **no portion** of the shoreline has a primary Environmental Sensitivity Index (“**ESI**”) classification of 10A (salt and brackish (coastal marshes)), 10B (freshwater marshes), 10C (freshwater swamps) or 10D (scrub-shrub wetlands (includes mangroves)) as determined by the National Oceanic and Atmospheric Administration (“**NOAA**”)².

Compensation Category A2 shall consist of **Eligible Parcels** satisfying the following two criteria: (i) the presence of oil was reported on the **Eligible Parcel** by **SCAT** or an **NRD Pre-Assessment** and (ii) the **Eligible Parcel** includes or is situated upon a shoreline for which **some portion** of the shoreline has a primary ESI classification of 10A (salt and brackish (coastal marshes)), 10B (freshwater marshes), 10C (freshwater swamps) or 10D (scrub-shrub wetlands (includes mangroves)) as determined by the NOAA.

Compensation Category B1 shall consist of **Eligible Parcels** satisfying the following two criteria: (i) no presence of oil was reported on the **Eligible Parcel** by **SCAT** or an **NRD Pre-Assessment** and (ii) the **Eligible Parcel** includes or is situated upon a shoreline for which **no portion** of the shoreline has an ESI classification of 10A (salt and brackish (coastal marshes)), 10B (freshwater marshes), 10C (freshwater swamps) or 10D (scrub-shrub wetlands (includes mangroves)) as determined by the NOAA.

Compensation Category B2 shall consist of **Eligible Parcels** satisfying the following two criteria: (i) no presence of oil was reported on the **Eligible Parcel** by **SCAT** or an **NRD Pre-Assessment** and (ii) the **Eligible Parcel** includes or is situated upon a shoreline for which **some portion** of the shoreline has a primary ESI classification of 10A (salt and brackish (coastal marshes)), 10B (freshwater marshes), 10C (freshwater swamps) or 10D (scrub-shrub wetlands (includes mangroves)) as determined by the NOAA.

- i. An **Eligible Parcel** shall be classified as having “the presence of oil” (a criteria for **Compensation Categories A1 and A2**) when any **SCAT** zone within the parcel has a maximum oiling classification other than “no oil observed” or (ii) an **NRD Pre-Assessment** conducted within the parcel reported the presence of oil on vegetation and/or sediment.

² Environmental Sensitivity Index numbers used by the National Oceanic and Atmospheric Administration can be found at the following website:
[http://archive.orr.noaa.gov/gallery_gallery.php?RECORD_KEY%28gallery_index%29=joinphotogal_id,gallery_id,photo_id&joinphotogal_id\(gallery_index\)=86&gallery_id\(gallery_index\)=4&photo_id\(gallery_index\)=35](http://archive.orr.noaa.gov/gallery_gallery.php?RECORD_KEY%28gallery_index%29=joinphotogal_id,gallery_id,photo_id&joinphotogal_id(gallery_index)=86&gallery_id(gallery_index)=4&photo_id(gallery_index)=35)

- ii. An **Eligible Parcel** is determined to have “no presence of oil” (a criteria for **Compensation Categories B1 and B2**) when (i) all **SCAT** zones within the parcel have a maximum oiling classification of “no oil observed” or (ii) no **NRD Pre-Assessment** conducted within the parcel reported the presence of oil on vegetation or sediment.
 - iii. **Administrator’s Database:** The Claims administrator shall maintain a Geographic Information Systems database (“**Administrator’s Database**”) containing the results of **SCAT**, **NRD Pre-Assessment**, NOAA ESI shoreline classifications, County Land Use Designations and the official parcel boundaries for all real property within the **Coastal Real Property Claim Zone**. The Claims Administrator shall determine the **Compensation Category** for each **Eligible Parcel** based upon the information in the **Administrator’s Database** and consistent with the criteria in this Section 1. D. Attached is a map classifying each known **Eligible Parcel** into a **Compensation Category** by applying the information in the **Administrator’s Database** as of the settlement date. This map shall be referred to as the **Eligible Parcel Compensation Category Map**, and a copy is attached as Appendix D. **Administrator’s Database** shall be periodically updated through the duration and term of the Settlement Agreement. **Administrator’s Database** is presumed to be the best available evidence, however, that presumption may be rebutted as outlined in Sections E., F., G. and H. below. The use of environmental data (including SCAT and NRDA data) as part of this Compensation Framework shall not constitute an admission or judicial determination related to the admissibility or interpretation of such data for any other purpose, and, further, the use of such data shall have no effect on, and shall be without prejudice to, the use, admissibility and interpretation of such data for any other purpose, including any claims for natural resource damages.
- E. A parcel not located within the **Coastal Real Property Claim Zone** may be added to the **Coastal Real Property Claim Zone** by the Claims Administrator only if the parcel is documented as oiled pursuant to **SCAT** or by an official assessment conducted by Natural Resource Trustees in connection with the DWH Spill. No other parcels outside the **Coastal Real Property Claim Zone** shall have the ability to become an **Eligible Parcel**.
- F. The **Administrator’s Database** contains the publicly available parcel boundary data released by county tax assessors for real property in the **Coastal Real Property Claim Zone**. In some instances, publicly available parcel boundary data may be incomplete or out-of-date. Accordingly, real property located in **Coastal Real Property Claim Zone** not identified as a parcel shall nonetheless be classified by the Claims Administrator as an **Eligible Parcel** provided the claimant documents the following:
- i. Actual presence of the parcel in the **Coastal Real Property Claim Zone**. Documentation of actual presence of parcel in the **Coastal Real Property Claim Zone** must consist of an official document provided by the county

tax assessor, Clerk of Court, Registrar of Lands or other governmental lands office or agency such as a 2010 county tax notice or a professional survey of the parcel.

- G. The **Administrator's Database** contains publicly available County Land Use Designations for parcels within the **Coastal Real Property Claim Zone**. In some instances, publicly available County Land Use Designations may be incomplete or out-of-date. Accordingly, a parcel located within the **Coastal Real Property Claim Zone** for which the County Land Use Designation in the **Administrator's Database** is not listed in Appendix C nonetheless shall be categorized as an **Eligible Parcel** if the claimant provides documentation from the county tax assessor, Clerk of Court, Registrar of Lands or other governmental lands office or agency sufficient to show that the parcel does in fact have a County Land Use Designation listed in Appendix C.
- H. An **Eligible Parcel** within the **Coastal Real Property Claim Zone** may be reclassified by the Claims Administrator into a different **Compensation Category** if one of the following conditions is satisfied:
- i. An **Eligible Parcel** placed in **Compensation Category B1** or **Compensation Category B2** pursuant to information in the **Administrator's Database** shall be reclassified by the Claims Administrator into **Compensation Category A1** or **Compensation Category A2** if the **Eligible Claimant** provides independent documentation in the form of a government or academic report, not commissioned by the **Eligible Claimant** or **Eligible Claimant's** attorney or agent, with said independent documentation establishing that the **Eligible Parcel** contains the presence of oil released by the DWH Spill even though no portion of the parcel is classified as oiled pursuant to **SCAT** or **NRD Pre-Assessment**.
 - ii. An **Eligible Parcel** on a shoreline with a primary **ESI** classification of less than 10 as determined by NOAA and classified into **Compensation Category A1** or **Compensation Category B1** shall be reclassified into **Compensation Category A2** or **Compensation Category B2** if the **Eligible Claimant** provides documentation from NOAA showing that the **Eligible Parcel** is on a shoreline with a primary **ESI** classification of 10A (salt and brackish (coastal marshes)), 10B (freshwater marshes), 10C (freshwater swamps) or 10D (scrub-shrub wetlands (includes mangroves)).
 - iii. The Claims Administrator shall undertake an investigation to determine whether the information submitted pursuant to this Section satisfies the criteria for reclassification set out H. i. and H. ii.

2. Compensation for Eligible Parcels

- A. An **Eligible Claimant** must submit a **Claim Form**³, all required supporting documents and a **Verification Statement** to receive compensation for **Eligible Parcels**. The **Claim Form**, **Document Requirements** and **Verification Statement** are attached as Appendices E, F and G, respectively.
- B. An **Eligible Claimant** who satisfies the eligibility requirements of Section 1 and submits a **Claim Form**, all required supporting documents and a **Verification Statement**, shall be entitled to receive the appropriate Coastal Real Property compensation amount (“**Coastal Real Property Compensation Amount**”) for an **Eligible Parcel** depending upon the criteria outlined in this section. The particular **Coastal Real Property Compensation Amount** shall be calculated as follows using a specified percentage of the **2010 Applicable Property Tax**⁴ for the **Eligible Parcel**⁵:
- i. For an **Eligible Parcel** in **Compensation Category A1** the Coastal Real Property compensation amount shall be 40% of the **2010 Applicable Property Tax**.
 - ii. For an **Eligible Parcel** in **Compensation Category A2**, the **Coastal Real Property Compensation Amount** shall be 45% of the **2010 Applicable Property Tax**.
 - iii. For an **Eligible Parcel** in **Compensation Category B1**, the **Coastal Real Property Compensation Amount** shall be 30% of the **2010 Applicable Property Tax**.
 - iv. For an **Eligible Parcel** in **Compensation Category B2**, the **Coastal Real Property compensation amount** shall be 35% of the **2010 Applicable Property Tax**.
- C. For the **Coastal Real Property Compensation Amount** described in Section 2. B, “**2010 Applicable Property Tax**” shall be defined as an **Eligible Parcel’s** 2010 **County Appraised Value** multiplied by 1.18% (“**Applicable Real Property Tax Rate**”).
- D. “**County Appraised Value**” shall mean the following for an **Eligible Parcel** depending on the state it is located in:

Florida: For an **Eligible Parcel** located in the Florida counties of Escambia, Okaloosa, Santa Rosa, Walton, Bay, Gulf, Franklin and

³The Claim Administrator may prepare the final Claim Form consistent with Appendix E. In no case shall the final Claim Form omit the substance of any question contained in Appendix E.

⁴ 2010 Applicable Property Tax is defined in Section 2. C.

⁵ See Appendix H for example calculations of **Coastal Real Property Compensation Amounts**.

Wakulla, **County Appraised Value** shall mean Just Value as determined by the respective Florida County tax assessor.

Alabama: For an **Eligible Parcel** located in Baldwin County, Alabama, **County Appraised Value** shall mean True Value as determined by the Baldwin County tax assessor. For an **Eligible Parcel** located in Mobile County, Alabama, **County Appraised Value** shall mean Market Value, as determined by the Mobile County tax assessor.

Mississippi: For an **Eligible Parcel** located in Jackson County Mississippi, **County Appraised Value** shall mean TOTALVAL as determined by Jackson County tax assessor. For an **Eligible Parcel** located in Harrison County, Mississippi, the **County Appraised Value** shall mean Total Value as determined by the Harrison County tax assessor. For an **Eligible Parcel** located in Hancock County, Mississippi the **County Appraised Value** shall mean LRTOT as determined by the Hancock County tax assessor.

Louisiana: For an **Eligible Parcel** located in Grand Isle, Jefferson Parish, Louisiana, **County Appraised Value** shall mean Fair Market Value as determined by the Jefferson Parish tax assessor.

- i. If the **County Appraised Value** is net of a Homestead Exemption, the amount of such Homestead Exemption shall be added to the **County Appraised Value** for purposes of calculating the **Coastal Real Property Compensation Amount**.
- E. An **Eligible Parcel** with a **County Land Use Designation** listed in Appendix I shall be entitled to the greater of (i) calculation in 2. B. above or (ii) a minimum as detailed below.⁶
- i. The minimum **Coastal Real Property Compensation Amount** shall be as follows:
 - a. \$1,000 for an **Eligible Parcel** in **Compensation Category A1**.
 - b. \$1,100 for an **Eligible Parcel** in **Compensation Category A2**.
 - c. \$800 for an **Eligible Parcel** in **Compensation Category B1**.
 - d. \$800 for an **Eligible Parcel** in **Compensation Category B2**.
 - ii. An **Eligible Parcel** for which the County Land Use Designation in the **Administrator's Database** is not listed in Appendix H, shall nonetheless

⁶ See Appendix J for an example calculation of a minimum **Coastal Real Property Compensation Amount**.

be categorized as an **Eligible Parcel** for which the County Land Use Designation is listed in Appendix H, if the claimant provides documentation from the county tax assessor sufficient to show that the parcel does in fact have a County Land Use Designation listed in Appendix H.

F. The **Coastal Real Property Compensation Amount** shall be allocated as follows:

- i. For an **Eligible Parcel** for which there is only one **Eligible Claimant**, the **Eligible Claimant** shall receive the entire portion of the applicable **Coastal Real Property Compensation Amount**.
- ii. For an **Eligible Parcel** for which there are more than one **Eligible Claimants**, the **Coastal Real Property Compensation Amount** shall be allocated based on the period of legal possession of the particular **Eligible Parcel** by each **Eligible Claimant** between April 20, 2010, and December 31, 2010. The allocation shall be determined by dividing the **Coastal Real Property Compensation Amount** by 255 days and then multiplying the product by the number of days each **Eligible Claimant** had legal possession of the **Eligible Parcel**.
- iii. The Claims Administrator shall determine whether an **Eligible Claimant(s)** is the owner of an **Eligible Parcel**

G. An RTP of 2.5 shall be applied to the **Coastal Real Property Compensation Amount**. For example, a hypothetical **Coastal Real Property Compensation Amount** of \$1,859 (refer to Appendix H), would receive an RTP equal to \$4,648 for a total **Coastal Real Property Compensation Amount** of \$6,507 inclusive of RTP.

3. Physical Damage to Real or Personal Property

A. **Physical Damage** shall be defined as any physical damage that occurred to an **Eligible Claimant's** real or personal property located on an **Eligible Parcel(s)** in connection with the DWH Spill or as a result of the response cleanup operations that were consistent with the National Contingency Plan or specifically ordered by the Federal On-Scene Coordinator or delegates thereof, with the exception of any damage claimed for intrusion of oil, dispersant or other substances onto the **Eligible Claimant's Eligible Parcel(s)**. Damages for claims of intrusion of oil, dispersants or other substances on an **Eligible Parcel** are addressed in Section 2. B. above.

- i. Examples of **Physical Damage** includes, for example, physical damage that occurred to landscaping, a structure, appurtenances, a dock, a building, a patio, or a deck furniture located on an **Eligible Parcel** caused by a vehicle, machinery or equipment in use for DWH Spill response cleanup operations.

B. An **Eligible Claimant** must provide the Claims Administrator with satisfactory proof of all of the following items below in order to qualify to receive compensation for **Physical Damage**:

- i. The claimant is an **Eligible Claimant**.
- ii. The claimed **Physical Damage** occurred on an **Eligible Parcel**.
- iii. The **Physical Damage** occurred between April 20, 2010 and the date the Economic Injury and Property Claim Settlement Agreement is executed by the parties.
- iv. The condition of the real or personal property prior to the claimed physical damage.
- v. The **Eligible Claimant** owned the real or personal property for which **Physical Damage** is claimed at the time the damage occurred. The Claims Administrator shall determine whether an **Eligible Claimant(s)** is the owner of the real or personal property for which **Physical Damage** is claimed at the time the damage occurred.
- vi. The **Physical Damage** was caused by DWH Spill response cleanup operations.
- vii. For an **Eligible Claimant** claiming to have incurred costs to repair or replace the damaged property, evidence to establish that the costs were incurred by the **Eligible Claimant** and that they were reasonable and necessary.
- viii. For an **Eligible Claimant** seeking compensation for costs not yet incurred to repair or replace the damaged property, a cost estimate and proof the costs are reasonable and necessary.

C. An **Eligible Claimant** must comply with the **Claim Form, Document Requirements** and **Verification Statement** listed in Appendices E, F and G in order to qualify to receive compensation for **Physical Damage**.

D. An **Eligible Claimant** who claims **Physical Damage** and satisfies Section 3. A, 3. B and 3. C above shall receive the lesser of the reasonable and necessary costs to repair or replace the damaged property.

- i. The Claims Administrator shall have the authority to verify the **Eligible Claimant's** estimate of repair and replacement costs, and to undertake an investigation to determine the reasonableness of the costs to repair or replace the damaged property, including obtaining an independent estimate.
- ii. In no event is an **Eligible Claimant** entitled to receive pursuant to this Section 3 damages for intrusion of oil, dispersants or other substances onto the **Eligible Claimant's Eligible Parcel(s)**. Compensation for claims of intrusion of oil, dispersants or other substances on an **Eligible Parcel** are addressed in Section 2. B above.

4. Federal and State Regulatory Requirements

- A. Nothing in this **Compensation Framework for Coastal Real Property Claims** shall alter, expand, or reduce BP's obligations for cleanup, removal, spill response and remediation of real property under applicable federal, state, or local laws, regulations, orders, or agreements. **Eligible Claimant** shall acknowledge that any right to require any cleanup or remediation of the parcel shall not lie with the claimant, but solely with governmental authorities, and that the need for any cleanup or remediation, and the standards by which the need for or sufficiency of such remediation is decided, shall be determined by governmental regulators of the executive department in accordance with properly promulgated law, rules, regulations, orders or agreements. Such governmental regulators alone shall make such determinations, and the **Eligible Claimant** shall not employ regulatory proceedings as a means to seek the redress of claims, which are extinguished pursuant to this Settlement Agreement. It is expressly agreed that this acknowledgement of continued potential responsibility for governmental compliance on the part of the BP (and all other parties released) shall not grant the claimant any personal jurisdiction recourse with respect to the regulatory obligations of the released parties. In the event proceedings, formal or informal, occur before governmental authorities, the claimant agrees to cooperate fully with the released parties in addressing questions or concerns presented by such proceedings; the **Eligible Claimant** shall provide full and free access to the **Eligible Parcel** in connection therewith, and shall further cooperate with the released parties in undertaking and proposing by the released parties such remediation that the released parties deem most appropriate, desirable, and/or cost-effective in meeting regulatory requirements, irrespective of any personal claims, preferences, rights of use or similar considerations of the **Eligible Claimant**, it being understood that such personal claims and considerations fall within the scope of the claims released by the **Eligible Claimant**.

Compensation Framework for Coastal Real Property Claims

Appendix A

Coastal Real Property Claim Zone Map

The **Coastal Real Property Claim Zone Map** is found in a separate document.

Compensation Framework for Coastal Real Property Claims
Appendix B
Criteria Used to Establish the Coastal Real Property Claim Zone

The following criteria were used to establish the **Coastal Real Property Claim Zone**.

1. Areas directly intersected by the portions of shoreline assessed by SCAT teams (“**SCAT Line**”), regardless of whether or not the presence of oil was reported on that portion of the **SCAT Line** are included in the **Coastal Real Property Claim Zone**, as depicted below:



2. Areas not directly intersected by the **SCAT Line** but touching a portion of the coast on which the SCAT line is located, regardless of whether or not the presence of oil was reported on that portion of the **SCAT Line**, are included in the **Coastal Real Property Claim Zone**, as depicted below:



3. Where portions of the **SCAT Line** showing the presence of oil terminated short of certain physical boundaries (such as waterways, bridges, or roads), parcels between the termination of the SCAT line and the particular physical boundary were included in the **Coastal Real Property Claim Zone**. An example is depicted below.



Compensation Framework for Coastal Real Property Claims

Appendix C

County Land Use Designations Required for a Parcel to Qualify as an Eligible Parcel

ABRASIVE, ASBESTOS, AND MISCELLANEO
ACREAGE NOT AGRICULTURAL
AGRICULTURAL
AIRPORTS, BUS TERMINALS, MARINE TERMINALS, PIERS, MARINAS
AIRPORTS, TERMINALS, MARINAS
AMUSEMENT-OTHER
APARTMENT (LOW RISE SINGLE BLDG)
APARTMENTS, DUPLEX
AUTO SALES, REPAIR, RENTAL, ETC.
BANK/FINANCIAL INSTITUTION
BARS AND TAVERNS
BOAT DOCKS, MARINAS, AND CAMPING AREA
BOAT HOUSE
BOWLING ALLEYS/SKATING RINKS
BUSINESS SERVICES
CAMPS
CANNING AND PRESERVING OF FRUITS, V
CASINOS
CHURCHES
CLUBS, LODGES, UNION HALLS
CLUBS/LODGES/UNION HALLS, ETC.
COMMERCIAL
COMMERCIAL PARKING
COMMERICAL FORESTRY PRODUCTION
COMMON AREAS
COMMUNITY SHOPPING CENTERS
CONCRETE, GYPSUM, AND PLASTER PRODU
CONDOMINIA
CONDOMINIUM
CONDOMINIUM RES.(HIGH RISE)
CONDOMINIUM RES.(LOW RISE)
CONDOMINIUM, MASTER CARD
CROPLAND (GOOD A1)
CULTURAL/ENTERTAIN/REC.-OTHER
DUPLEX RESIDENCE
ENCLOSED THEATRES/AUDITORIUMS
FARMS(GENERAL)
FINANCIAL INSTITUTIONS
FISHING ACTIVITIES AND RELATED SERV

FOOD AND KINDRED PRODUCTS - MANUFAC
GENERAL MERCHANDISE
GOLF COURSES, DRIVING RANGES
HARDWARE, PLUMBING, HEATING EQUIP, AND
HIWAY AND STREET RIGHT OF WAY
HOTELS, MOTELS
HOTELS/MOTELS
HOTELS-RESIDENTIAL
HOUSEHOLD UNITS. (VAC)
HUNTING AND FISHING CLUBS
ISLAND
LAKES AND PONDS
LEASEHOLD INTERESTS
MACHINERY, EQUIPMENT AND SUPPLIES-WH
MANUFACTURING HOMES
MARINAS
MARINE REPAIR DOCKS
MASTER CARD
MEATS AND FISH MARKETS-RETAIL
MINITURE GOLF
MISCELLANEOUS RESIDENTIAL
MIXED USE
MOBILE HOME PARKS
MOBILE HOME PARKS OR COURT
MOBILE HOMES
MOBILE HOMES (SINGLE TRAILER)
MOTELS
MOTELS, TOURIST COURTS, ETC.
MULTI-FAMILY
MULTI-FAMILY (10 UNITS OR MORE)
MULTI-FAMILY (UNDER 10 UNITS)
MULTI-FAMILY 10 UNITS OR MORE
MULTI-FAMILY LESS THAN 10 UNITS
MULTI-USE AND MILTI-STORY BUILDING
NIGHTCLUBS, LOUNGES, BARS
NON AGRICULTURAL ACREAGE
NURSING HOMES
OFFICE (LOW RISE)
OFFICE BUILDINGS
OFFICE BUILDINGS - MULTI STORY
OFFICE BUILDINGS - ONE STORY
OFFICES-GENERAL
ONE FAMILY UNIT