

1. Exclusion of vessels that are Home Ported in NMFS Statistical Areas 19-21 and do not land in NMFS Statistical Areas 1-18. Specifically, the Seafood Compensation Program, as memorialized in Section 1.2.3 of the current draft of the Settlement Agreement should include:

was a Commercial Fisherman that owned, operated, or leased [or worked on] a vessel that (1) was Home Ported in the Gulf Coast Areas from April 20, 2010 to the date of execution of the Agreement, or (2) landed catch in Gulf Coast Areas from April 20, 2009 through the date of execution of the Agreement

2. BP is responsible for paying (outside of the Seafood Compensation Program) the first 15% opt outs that are Category III Individuals
3. BP is responsible for paying (outside of the Seafood Compensation Program) the first 17.5% opt outs that are All Businesses and non-Category III individuals
4. Neutral will determine value (*i.e.* the credit that BP will get for each opt out over the 15% /17.5%) based on the value placed on that opt out's claim under the Neutral's Seafood Compensation Program model that forms the basis of the approved Seafood Compensation Program Allocation
5. The number of opt-outs from #3 above will be divided by the number of potential Businesses (including boats, Oyster Leaseholders, and IFQ holders) and non-Category III Individual participants expected to participate under the Neutral's model that forms the basis of the approved Seafood Compensation Program Allocation as reflected in the "Number of Potential Claimants in Gulf Fishing Industry- 4/14/2012 5pm" (Attached)
6. John Perry will serve as the neutral
7. In calculating the opt out triggers in Paragraphs 2 and 3, each opt out trigger is calculated separately and independently.

## Number of Potential Claimants in Gulf Fishing Industry

Species	Number of Vessels	Number of Captains	Notes
Shrimp (Trip Ticket) <sup>1</sup>	4,157	4,573	NMFS 2009 Report
<30'	1,093	1,202	33% of Inshore Fleet + 2% of Offshore Fleet
30' - 45'	1,755	1,930	51% of Inshore Fleet + 9% of Offshore Fleet
45' - 75' Ice	766	843	16% of Inshore Fleet + 23% of Offshore Fleet
45' - 75' Freezer	203	223	26% of Offshore Fleet
> 75' Ice	41	45	4% of Offshore Fleet
>75' Freezer	299	329	36% of Offshore Fleet
Oyster Leaseholders			[To be added in conjunction with Seafood Neutral using best available data]
IFQ Holders			[To be added in conjunction with Seafood Neutral using best available data]
Oyster Harvesting	200	220	Assumption
Blue Crab	500	550	Assumption (based on PSC client meeting)
Other	100	110	Assumption
Finfish	450	495	Assumption (based on PSC client meeting and NOAA data)
Individuals:			
Non-Watts Individual/Crew Fishing SFJs		5,998	Count from SFJ Database
Watts Individual/Crew Fishing SFJs		42,722	Count from SFJ Database [Cat III]
Assumed New Individual/Crew Fishing SFJs		7,000	Assumption
Total Crew Claimants		55,720	Calculation

Note: Number of captains is assumed to be 1.1X the number of vessels