

FINAL POLICY ANNOUNCEMENT

POLICY 362 v.2: BUSINESS ECONOMIC LOSS CLAIMS: OPERATING HISTORY OF AND DEFINITION OF START-UP BUSINESSES

I. Introduction.

Exhibit 7 of the Deepwater Horizon (“DWH”) Economic & Property Damages Settlement Agreement provides the framework for evaluating Start-Up Business claims. It defines a Start-Up Business as a “claimant with less than eighteen months of operating history at the time of the DWH Spill.” To clarify the definition of operating history, the Claims Administrator previously adopted Policy 362 (Operating History of and Definition of Start-Up Businesses), which this policy supplements and supersedes. All capitalized terms used in this policy that are defined in the Settlement Agreement shall have the meanings given to them in the Settlement Agreement.

II. Policy Statement.

For purposes of inclusion in the Start-Up BEL framework, the Claims Administrator will determine a claimant’s operating history based on when the claimant began doing business or operating in the Gulf Coast Areas or Specified Gulf Waters. Consistent with Section 1.2 of the Settlement Agreement, the Claims Administrator's analysis of whether a business was doing business or was in operation will be based on the totality of circumstances involving the claimant’s business and will include a focus on when the business began to a) sell products in the Gulf Coast Areas or Specified Gulf Waters, b) regularly purchase Seafood harvested from Specified Gulf Waters in order to produce goods for resale, c) perform its full time services while physically present in the Gulf Coast Areas or Specified Gulf Waters, d) own, operate or lease a vessel that was Home Ported or landed seafood in the Gulf Coast Areas, or e) incur substantial costs or expenses of a nature indicative of the actual start-up of business operations. Only claimants that can establish an operating history, in accordance with this analysis, that commenced before April 20, 2010 will be eligible for compensation under the Start-Up BEL framework. For Multi-Facility Business claimants that elect to file separately for each individual Facility, the Claims Administrator will perform this analysis on each Facility included in the Multi-Facility Business.