

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

|                                |   |                           |
|--------------------------------|---|---------------------------|
| <b>FRIENDS OF MERRYMEETING</b> | ) |                           |
| <b>BAY, et al.,</b>            | ) |                           |
|                                | ) |                           |
| <b>Plaintiffs,</b>             | ) |                           |
|                                | ) | <b>No. 2:11-cv-37-GZS</b> |
| <b>v.</b>                      | ) |                           |
|                                | ) |                           |
| <b>TOPSHAM HYDRO PARTNERS</b>  | ) |                           |
| <b>LIMITED PARTNERSHIP,</b>    | ) |                           |
|                                | ) |                           |
| <b>Defendant</b>               | ) |                           |

**ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on July 14, 2011, his Recommended Decision (Docket No. 11). Defendant Topsham Hydro Partners Limited Partnership filed its Objection to the Recommended Decision (Docket No. 12) on August 1, 2011. Plaintiffs filed their response to Defendant's Objection to the Recommended Decision (Docket No. 15) on August 18, 2011.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision. I note that while nothing in the current record supports a stay of this action at this time, the denial of the request for a stay is without prejudice to Defendant renewing the request if it can provide documentation that the ESA

administrative consultation process will result in final agency action by a date certain in the near future.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is **ORDERED** that Defendant's Motion to Dismiss (Docket No. 7) is hereby **DENIED**.

/s/ George Z. Singal  
United States District Judge

Dated this 9th day of September, 2011.