

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

FRIENDS OF MERRYMEETING BAY )  
AND ENVIRONMENT MAINE, )  
 )  
Plaintiffs )  
 )  
v. )  
 )  
TOPSHAM HYDRO PARTNERS LIMITED )  
PARTNERSHIP, )  
 )  
Defendant. )

Civil Action No.  
2:11-cv-00037

**DECLARATION OF SCOTT HALL**

I, SCOTT HALL, being over 18 years of age and competent in all respects to testify, having personal knowledge of the facts set forth below, hereby state the following:

1. I am responsible for the Management of Topsham Hydro Partners Limited Partnership (“Topsham Hydro”), the Defendant in this case.

2. Attached hereto as Exhibit A is a true and accurate copy of a November 21, 2011 email exchange between me, acting on Topsham Hydro’s behalf, and Jeff Murphy of the National Oceanic and Atmospheric Administration’s National Marine Fisheries Services (“NMFS”). This email outlines (i) the proposed updated schedule (the “Updated Schedule”) that Topsham Hydro submitted to NMFS for completion of the consultation process pursuant to Section 7 of the Endangered Species Act and (ii) NMFS’s response thereto.

3. Topsham Hydro also submitted the Updated Schedule to the Federal Energy Regulatory Commission (“FERC”). Attached hereto as Exhibit B is a true and accurate copy of FERC’s response.

4. Consistent with the Updated Schedule, on December 22, 2011, Topsham Hydro submitted to NMFS its draft Biological Assessment and Species Protection Plan.

