

We, the members of the Dispute Resolution Committee (DRC) at the former Fort Devens, hereby agree to the following:

- Army will perform a geophysical investigation on approximately 3 miles of the Nashua River from the area just south of the Jackson Road/State Route 2 interchange (see location 3 on attached figure) to the area just north of West Main Street, Ayer close to where it intersects with Walker Road in Shirley (see northernmost water chestnut removal/scouting area on attached figure);
- The geophysical investigation will employ best available technology capable of detecting military munitions similar in size to those recently discovered (see locations 1, 2 and 3 on attached figure), differentiating military munitions from non-munitions metallic debris, and reaching the maximum, confirmed depth of the River along the 3-mile stretch;
- Either in conjunction with or upon completion of the geophysical investigation, Army and EPA will evaluate the geophysical data and identify areas of interest (i.e., locations with high anomaly density and locations where anomalies are identified in the immediate vicinity of areas associated with previous discoveries of military munitions). Anomalies identified in these areas will be visually inspected to determine whether they are military munitions or non-munitions metallic debris. Any military munitions that are found will be assessed and classified for appropriate disposition;
- This geophysical investigation will be conducted in close coordination with EPA and Army experts; and,
- This geophysical investigation described above will commence no later than May 6, 2022, subject to the Army's ability to award the necessary contract under the Federal Acquisition Regulation.
- The timing of this work is critical to ensure that human health is protected, especially during the Summer season, when the River is used by the public. Knowing this, the Army will expedite this work to the extent possible.

Having come to this agreement, the Formal Dispute invoked by EPA Region 1 on December 16, 2021, pursuant to paragraph 13.4 of the Federal Facility Agreement is resolved and concluded as of this date.

Date
Bryan Olson, Director
Superfund & Emergency Management Division
U.S. EPA – Region 1

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COL Joshua Davis
Chief, Army Environmental Division
Office of the Deputy Chief of Staff, G-9