

State Regulation Bans Geophysical Surveys in Waterways

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Boson, Massachusetts MassDevelopment reported that three UXO items were found by magnet fishers at two locations in the Nashua River on two separate occasions. A heavily corroded mortar shell and hand grenade were found July 24, about a half-mile south of the Hospital Road Bridge. Another corroded hand grenade was found Aug. 12 just off the south side of the Hospital Road Bridge.

MassDevelopment reportedly notified the U.S. Army, USEPA, the U.S. Fish and Wildlife Service, the Massachusetts Department of Environmental Protection, and the towns of Harvard, Shirley, Ayer, and Lancaster.

After the second discovery, an emergency state regulation was drafted banning unauthorized attempts to excavate, disturb, dislodge, retrieve, take possession of, or dispose of "any man-made item or portion thereof from any lands or waters of Devens." The regulation, 946 CMR 4.18, went into effect Aug. 20. Violators face a fine of \$500 for first and subsequent offenses.

Banned activities include the use of metal detectors or any device using magnets, electromagnets, SONAR, or ground-penetrating radar to identify "unseen or submerged metallic objects." According to the regulation, these devices could trigger an explosive reaction in unexploded ordnance. Magnet fishing in Devens waters is expressly prohibited, as is the use of "dredging equipment, grappling hooks, or equipment used for dragging or trawling." The ban does not apply to recreational fishing poles and tackle.

At its Sept. 1 meeting, the Select Board discussed what to do to protect the public from possible UXO in the Harvard section of the Nashua River, most of which runs between Harvard and Devens. The board was told that the EPA asked the Army for a plan to survey sections of the river for additional ordnance, but the Army has missed the EPA's first deadline for delivery of a plan. Discussions between the USEPA and the Army are scheduled to resume.

Hopefully the Government bureaucratic organizations can get together to agree on a practical and responsible path forward without implementing extreme measures.