



**CHANCE FIND PROCEDURES (CFPS)
FOR THE HARWAR COLLIERY, 2630AA
AND 2630AC, MPUMALANGA
PROVINCE**

MSOBO COAL (PTY) LTD

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DIGBY WELLS
ENVIRONMENTAL

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2630AA and 2630AC, Mpumalanga Province

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Name	Responsibility	Signature	Date
Justin du Piesanie: HRM Specialist	CFPs Compiler		28 June 2013

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ACRONYMS

BGG	Burial Grounds and Graves
CFPs	Chance Find Procedures
CL	Community Liaison
Digby Wells	Digby Wells Environmental
EC	Environmental Control
HIA	Heritage Impact Assessment
HRM	HRM Resources Management
HS	Health and Safety
ICOMOS	International Council on Monuments and Sites
LIHRA	Limpopo Heritage Resources Authority
NHRA	National Heritage Resources Act (Act No. 25 of 1999)
SAHRA	South African Heritage Resources Authority
SAPS	South African Police Service
UNESCO	United Nations Educational, Scientific and Cultural Organisation

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1 INTRODUCTION

The purpose of this document is to provide Msobo Coal (Pty) Ltd (Msobo Coal) and their contractors with the appropriate response guidelines (extracted and adapted from the National Heritage Resources Act (Act No. 25 of 1999) Regulations Reg No. 6820, GN: 548, taking into consideration international best practice based on World Bank, Equator Principles and the International Finance Corporation Performance Standards, 1972 UNESCO Convention on the Protection of World Cultural and Natural Heritage (World Heritage Convention), ICOMOS Guideline on Heritage Impact Assessment and the Australian ICOMOS Burra Charter (1999)) that should be implemented in the event of chance discovery of heritage resources. These guidelines or chance find procedures (CFPs) can be incorporated into Msobo Coal policies that may have relevance during construction and operational phases.

The CFPs presented by Digby Wells Environmental (Digby Wells) aim to avoid and/or reduce project risks that may result due to chance finds, whilst considering international best practice.

2 DEFINITIONS

For simplicity, the term 'heritage resource' includes structures, archaeology, palaeontology, meteors, and public monuments as defined in the South African National Heritage Resources Act (Act No. 25 of 1999) (NHRA) Sections 34, 35, and 37. Procedures specific to burial grounds and graves (BGG) as defined under NHRA Section 36 will be discussed separately as these require the implementation of separate criteria for CFPs.

3 CHANCE FIND PROCEDURES

The following procedural guidelines must be considered in the event that previously unknown heritage resources or burial grounds and graves (BGG) are exposed or found during the life of the project.

3.1 Initial Identification and/or Exposure

Heritage resources or BGG may be identified during construction or accidentally exposed. The initial procedure when such sites are found aim to avoid any further damage. The following steps and reporting structure must be observed in both instances:

1. The person or group (identifier) who identified or exposed the burial ground must cease all activity in the immediate vicinity of the site;
2. The identifier must immediately inform his/her supervisor of the discovery;
3. The supervisor must ensure that the site is secured and control access; and

4. The supervisor must then inform the relevant Msobo Coal personnel responsible for at least the following portfolios: Community Liaison (CL), Environmental Control (EC) and Health and Safety (HS).

3.2 Chance Find Procedure: Heritage Resources

In the event that previously unidentified heritage resources are identified and/or exposed during construction or operation of the Project, the following steps must be implemented subsequent to those outlined under Section 3.1 above:

1. The Digby Wells project manager and/or Heritage Resources Management (HRM) Unit must be notified of the discovery;
2. Digby Wells will assign a qualified specialist to consider the heritage resource, either via communicating with the EC Officer via telephone or email, or based on a site visit;
3. Appropriate measures will then be presented to Msobo Coal;
4. Should the specialist conclude that the find is a heritage resource protected in terms of the NHRA (1999) Sections 34, 35, 37 and NHRA (1999) Regulations (Regulation 38, 39, 40), Digby Wells will notify the South African Heritage Resources Agency (SAHRA) and/or the Mpumalanga Provincial Heritage Resources Agency (MPHRA) on behalf of Msobo Coal; and
5. Based on the comments received from SAHRA and/or MPHRA, Digby Wells will provide Msobo Coal with a Terms of References Report and relevant associated costs if necessary.

3.3 Chance Find Procedure: BGG

In the event that previously unidentified BGG are identified and/or exposed during construction or operation of the Project, the following steps must be implemented subsequent to those outlined under Section 3.1 above:

1. The Digby Wells project manager and/or the HRM Unit must immediately be notified of the discovery in order to take the required further steps:
 - i. The local South African Police Service (SAPS) will be notified on behalf of Msobo Coal;
 - ii. Digby Wells will deploy a suitably qualified specialist to inspect the exposed burial and determine in consultation with the SAPS:
 - The temporal context of the remains, i.e.:
 - a. forensic,

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- b. authentic burial grave (informal or older than 60 years, NHRA (1999) Section 36); or
 - c. archaeological (older than 100 years, NHRA (1999) Section 38); and
 - If any additional graves may exist in the vicinity.
2. Should the specialist conclude that the find is a heritage resource protected in terms of the NHRA (1999) Section 36 and NHRA (1999) Regulations (Regulation 38, 39, 40), Digby Wells will notify SAHRA and/or MPHRA on behalf of Msobo Coal;
 3. SAHRA/MPHRA may require that an identification of interested parties, consultation and /or grave relocation take place;
 4. Consultation must take place in terms of NHRA (1999) Regulations 39, 40, 42; and
 5. Grave relocation must take place in terms of NHRA (1999) Regulations 34.

4 CONCLUSION

The CFP's presented in this document serve as international best practice policy for the accidental discovery of heritage resources and BGG. Based on the definitions provided within this document and the proposed lines of communication, Msobo Coal will be able to mitigate the accidental discovery of heritage resources and BGG throughout the various phases of the project. Where necessary, Digby Wells is available to assist with the recommendation of mitigations for the accidental discovery of heritage resources and BGG.