



SOUTH AFRICAN HERITAGE RESOURCES AGENCY
111 HARRINGTON STREET, CAPE TOWN, 8001
PO BOX 4637, CAPE TOWN, 8000
TEL: 021 462 4502 FAX: 021 462 4509

FOR ATTENTION: **PHRA: Northern Cape**

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REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

BY ARCHAEOLOGY/ PALAEOLOGY UNIT OF THE HERITAGE RESOURCES AGENCY

South Africa has a unique and non-renewable archaeological and palaeontological heritage. Archaeological and palaeontological sites are protected in terms of the National Heritage Resources Act (Act No 25 of 1999) and may not be disturbed without a permit. Archaeological Impact Assessments (AIAs) and Palaeontological Impact Assessments (PIAs) identify and assess the significance of the sites, assess the potential impact of developments upon such sites, and make recommendations concerning mitigation and management of these sites. On the basis of satisfactory specialist reports SAHRA or the relevant heritage resources agency can assess whether or not it has objection to a development and indicate the conditions upon which such development might proceed and assess whether or not to issue permission to destroy such sites.

AIAs and PIAs often form part of the heritage component of an Environmental Impact Assessment or Environmental Management Plan. They may also form part of a Heritage Impact Assessment called for in terms of section 38 of the National Heritage Resources Act, Act No. 25, 1999. They may have other origins. In any event they should comply with basic minimum standards of reporting as indicated in SAHRA Regulations and Guidelines.

This form provides review comment from the Archaeologist of the relevant heritage resources authority for use by Heritage Managers, for example, when informing authorities that have applied to SAHRA for comment and for inclusion in documentation sent to environmental authorities. It may be used in conjunction with Form B, which provides relevant peer review comment.

- A. PROVINCIAL HERITAGE RESOURCES AUTHORITY: **Northern Cape**
- B. AUTHOR(S) OF REPORT: **Mr A. J. Pelser and Dr A. C. van Vollenhoven**
- C. ARCHAEOLOGY CONTRACT GROUP: **Archaetnos**
- D. CONTACT DETAILS: **PO Box 31064, Wonderboomport, 0033 Cel: 083 459 3091, Email: antonp21@yahoo.com**
- E. DATE OF REPORT: **May 2010**
- F. TITLE OF REPORT: **A Report On An Archaeological Impact Assessment (AIA) For Proposed Mining Operations On The Remainder Of The Farm Paling 434, Hay Magisterial District, Northern Cape**
- G. Please circle as relevant: Archaeological component of EIA / EMP / **HIA** / CMP
Other (Specify)
- H. REPORT COMMISSIONED BY (CONSULTANT OR DEVELOPER): **Kai Batla Holding Pty Ltd**
- I. CONTACT DETAILS: **Dr Avinash Bisnath, PO Box 41955, Craighall, 2024 Tel: 011 326 0112, Email: abisnath@kaibatla.co.za**
- J. COMMENTS:
- Please see comment on next page*

REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

Mr Anton Pelser and Dr A.C. van Vollenhoven

Dated: May 2010, received: June 2010

A Report On An Archaeological Impact Assessment (AIA) For Proposed Mining Operations On The Remainder Of The Farm Paling 434, Hay Magisterial District, Northern Cape

INTRODUCTION

The remainder of Paling 434 is planned to be mined by PMG Mining. The area was previously mined by ASSMANG, but no heritage impact assessment was ever conducted on this section of the farm. However, previous surveys of adjacent properties resulted in the identification of a few heritage resources such as graves and Stone Age sites.

Despite the fact that past mining operations had already highly disturbed the area, during the archaeological assessment of the Remainder of Paling 434, a few archaeological resources were identified. Due to the thick grass cover, it is not unlikely that other resources, besides these, will be uncovered during mining operations.

The archaeological sites recorded are: a grave site with eight (possibly more) historical graves older than 100 years, two refuse midden heaps, possibly from the late XIX-beginning of the XX century, a stone packed structure and a scatter of Stone Age tools, which likely represents a manufacturing site.

SAHRA RECOMMENDATIONS

SAHRA supports the recommendations of the author and requires that:

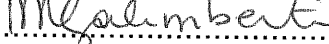
- The historical cemetery should be restored, protected and conserved. For this purpose, a proper fence must be built around it including entry gates to allow visits. The fence must be placed 2 meters away from the perimeter of the graves. No mining is allowed within 15 meters from the fence line surrounding the graves. As much as it is possible, SAHRA APM and Burial Grounds and Graves Unit would prefer for the graves not to be relocated. However, if this is deemed necessary, as the area where the burials are located falls within the mining footprint, then provisions stipulated in section 36 of the National Heritage Resources Act (Act No. 25 of 1999) are applicable, and relocation of these might proceed **provided that a public consultation process is followed** (see Appendix 1 and SAHRA Regulations).
- Mitigation (Phase 2 Archaeological Impact Assessment) in the form of systematic recording, collection, sampling and excavation, must be undertaken on the Stone Age manufacturing site and on the refuse midden heap, as it is possibly related to the historical graveyard. Phase 2 must be conducted before trenching, mining and any other earth-moving activity resulting from this proposed project occur. A photographic record must be established immediately before, during and after mitigation. The archaeologist will require a mitigation permit from SAHRA in terms of s. 35 of the National Heritage Resources Act (Act 25 of 1999). On receipt of a satisfactory mitigation Phase 2 permit report from the archaeologist, SAHRA will make further recommendations in terms of the report such as its final destruction or additional sampling.
- A Phase 2 will also be required if any activities impact on the dry walled mining structure.

CONCLUSION

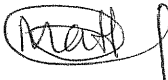
If the recommendations made in the specialist report and in this comment are adhered to, the SAHRA Archaeology, Palaeontology and Meteorite Unit has no objection to the development (in terms of the archaeological and palaeontological component of the heritage resources). If any new evidence of archaeological sites or artefacts, palaeontological fossils, graves or other heritage resources is found during development,

construction or mining, SAHRA and a professional archaeologist must be alerted immediately.

Decisions on Built Environment (e.g. structures over 60 years) and Cultural Landscapes and associated Living Heritage (e.g. sacred sites) must be made by the Provincial Heritage Resources Authority of the Northern Cape (Mr. Joas Sinthumule jsinthumule@ncpg.gov.za, 053 807 4710) to whom this Archaeological Review Comment will be copied.

SIGNATURE OF ARCHAEOLOGIST PROCESSING REPORT: 

EMAIL: mgalimberti@sahra.org.za

SIGNATURE OF SAHRA HEAD ARCHAEOLOGIST: 

EMAIL: nndobochani@sahra.org.za

NAME OF HERITAGE RESOURCES AGENCY: SAHRA

PLEASE NOTE THAT THE COMMENT (ABOVE OR APPENDED) CONSTITUTES THE COMMENT OF THE HERITAGE RESOURCES AGENCY ARCHAEOLOGIST AND THAT ANY DEVELOPMENT THAT INVOLVES DESTRUCTION OF ANY ARCHAEOLOGICAL/PALAEONTOLOGICAL SITE IS STILL SUBJECT TO A PERMIT/PERMISSION FOR DESTRUCTION OF SUCH SITE GIVEN TO THE DEVELOPER BY THE RELEVANT HERITAGE RESOURCES AGENCY ARCHAEOLOGICAL AND PALAEONTOLOGICAL PERMIT COMMITTEE (THIS WILL BE SUBJECT TO APPROVAL OF THE PHASE 2 OR ARCHAEOLOGICAL/ PALAEONTOLOGICAL MITIGATION AS NECESSARY). THIS REPORT MAY BE TAKEN ONLY AS APPROVAL IN TERMS OF SECTION 35 OF THE NATIONAL HERITAGE RESOURCES ACT. THE PROVINCIAL MANAGER OF THE HERITAGE RESOURCES AUTHORITY MUST ADVISE AS TO APPROVAL IN TERMS OF HERITAGE ISSUES ENCOMPASSED BY OTHER ASPECTS OF THE LEGISLATION, SUCH AS ISSUES OF THE BUILT ENVIRONMENT (STRUCTURES (E.G. FARM HOUSES), OVER 60 YEARS), INDIGENOUS KNOWLEDGE SYSTEMS OR OF CULTURAL LANDSCAPES AS THIS IS NOT WITHIN THE SCOPE OF THE ARCHAEOLOGIST.

PLEASE NOTE THAT SAHRA IS NOW RESPONSIBLE FOR GRADE I HERITAGE RESOURCES (AND EXPORT) AND THE PROVINCIAL HERITAGE RESOURCES ARE RESPONSIBLE FOR GRADE II AND GRADE III HERITAGE RESOURCES, EXCEPT WHERE THERE IS AN AGENCY ARRANGEMENT WITH THE PROVINCIAL HERITAGE RESOURCES AUTHORITY.

APPENDIX 1

Protection of Graves

In terms of the National Heritage Resources Act (No. 25 of 1999) graves older than 60 years (not in a municipal graveyard) are protected. Human remains younger than 60 years should be handled only by a registered undertaker or an institution declared under the Human Tissues Act.

Anyone who wishes to develop an area where there are graves older than 60 years is required to follow the process described in the legislation (section 36 and associated regulations). The specialist will require a permit from the heritage resources authority:

1. Determine/ confirm the presence of the graves on the property. Normally the quickest way to proceed is to obtain the service of a professional archaeologist accredited to undertake burial relocations (see attached list). The archaeologist will provide an estimate of the age of the graves. There may be a need for archival research and possibly test excavations (permit required).
2. The preferred decision is to move the development so that the graves may remain undisturbed. If this is done, the developer must satisfy SAHRA that adequate arrangements have been made to protect the graves on site from the impact of the development. This usually involves fencing the grave(yard) and setting up a small site management plan indicating who will be responsible for maintaining the graves and how this is legally tied into the development. It is recommended that a distance of 15 m is left undisturbed between the fence around the graves and the development/mining.
3. If the developer wishes to relocate or disturb the graves:
 - a. A 60-day public participation (social consultation) process as required by section 36 (and regulations), must be undertaken to identify any direct descendants of those buried on the property. This allows for a period of consultation with any family members or community to ascertain what their wishes are for the burials. It involves notices to the public on site and through representative media. This may be done by the archaeologist, who can explain the process, but for large or sensitive sites a social consultant should be employed. Archaeologists often work with undertakers, who rebury the human remains.

- b. If as a result of the public participation, the family (where descendants are identified) or the community agree to the relocation process then the graves may be relocated.
- c. The archaeologist must submit a permit application to SAHRA for the disinterment of the burials. This must include written approval of the descendants or, if there has not been success in identifying direct descendants, written documentation of the social consultation process, which must indicate to SAHRA's satisfaction, the efforts that have been made to locate them. It must also include details of the exhumation process and the place to which the burials are to be relocated. (There are regulations regarding creating new cemeteries and so this usually means that relocation must be to an established communal rural or formal municipal cemetery.)
- d. Permission must be obtained before exhumation takes place from the landowner where the graves are located, and from the owners/managers of the graveyard to which the remains will be relocated.
- e. Other relevant legislation must be complied with, including the Human Tissues Act (National Department of Health) and any ordinances of the Provincial Department of Health). The archaeologist can usually advise about this.