
CHANCE FIND PROCEDURE

Forzando Coal Mines (Pty) Ltd: Forzando North Colliery

1. Introduction

Cultural heritage can represent irreplaceable sources of life and inspiration and should be safeguarded. Although there are always cultural heritage studies conducted in the Project and its area of influence, there is always potential for new discoveries to be made, especially during excavation activities. Finds can include fossils, archaeological, paleontological or sacred sites as well as more modern graves.

Heritage resources are protected in terms of the Heritage Resources Act (Act No 25 OF 1999). The Act sets out the overarching administrative processes for protecting and preserving cultural heritage and management by project developers. Successful implementation requires everyone being alert to the possibility of finds, applying the specified measures and notifying immediate Site Supervisor and Environmental Manager that should in turn inform relevant Authorities as appropriate.

2. Objectives

This Procedure aims to protect and preserve any cultural heritage discovery from potential adverse impacts associated with the construction and operation activities of the Mining operations.

3. Training

Awareness training should be conducted by the Environmental Manager, in conjunction with the Health and Safety Manager, for all Employees. The training should include, as a minimum, the following:

- Identifying potential features of heritage significance;
- Procedures for dealing with heritage resources discovered on site;
- Applicable Legislation pertaining to the protection of heritage resources; and
- The importance of protecting heritage resources.

The training programme should include photographs of fossil examples to assist site personnel in recognizing potential fossil plants, vertebrates, invertebrates or trace fossils in the shales and mudstones (see Figure 1) .

4. Procedure

4.1. Archaeological Heritage and Palaeontological Discoveries during Works

Any archaeological or heritage site discoveries should be reported to immediate Supervisor, Environmental Manager and Mine Manager and treated as an incident. The area should be demarcated until further instructions by relevant Specialist and /or relevant Authorities. The person discovering a potentially significant site or artefact should initiate the following actions:

Stop Work

- Inform the immediate Supervisor, Environmental Manager and Mine Manager;
- Stop work in the immediate area and take digital photographs to record the find; and
- Install temporary site protection measures (e.g. delineate a 'no-go' area using warning tape, stakes and signage / deploy worker and give instructions to prevent access or further disturbance) and take all reasonable steps to avoid any further disturbance or damage from excavation, vibration, plant or machinery.

Reporting & Permitting

- Inform all relevant Employees of the chance find and whether access to work area or along the right-of-way is being restricted;
- The Environmental Manager is to consult with an Archaeologist / Palaeontologist Specialist, providing photographic records for a preliminary assessment.
- The specialist shall be responsible for evaluating whether the chance find needs to be classified as cultural heritage, significant fossil find, or deposition etc and if so, whether it is isolated or part of a larger site or feature;
- The specialist will be required to highlight the way forward.
- The Environmental Manager will notify the relevant Authorities:
 - Section 38(4)c(i) of the National Heritage Resources Act – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Tel: 021 462 5402) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule.
 - Section 38(4)c(ii) of the National Heritage Resources Act – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Tel: 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;
- Should any fossils or artefact need to be removed from the site a SAHRA permit must be obtained.
- Prior to the relocation of any graves, permission for the exhumation and relocation of graves must be obtained from the relevant descendants (if known), SAHRA, the National Department of Health, the Provincial Department of Health, the Premier of the Province and the local Police.
- The exhumation process must comply with the requirements of the relevant Ordinance on Exhumations, and the Human Tissues Act, 65 of 1983 (and the NHRA if relevant).
- Annual reports must be submitted to SAHRA as required by the relevant permits.

General Mitigation / Treatment Strategies

- Artefacts/fossils are to be left in place for recording by the specialist/archaeologist. It is important they are not disturbed or moved as their setting is as important as the artefact/fossil; if materials are to be collected they should be placed in bags and labelled by the Specialist /Archaeologist and forwarded to the Authorities in a manner that ensures the integrity of the 'chain of custody';

- Mine personnel are not permitted to take or keep artefacts as personal possessions as that is a criminal offence;
- Any damage, accidental or otherwise, should be investigated by the Environmental Manager detailing corrective actions, with digital images, maps and plans showing any locations that are no-go, limited access or present risks of further chance finds;
- Stakeholder engagement may be needed with affected communities to determine the correct mitigation actions or, if applicable, suitable compensation (e.g. reburial costs). Mitigation scenarios may include:
 - Preservation *in-situ* through avoidance, and/or
 - Rescue excavations to remove, record and relocate in advance of further earthworks, if avoidance is not possible.
- If the chance find is an isolated artefact/site or is not classed as cultural heritage, the Environmental Manager should approve the removal of site protection measures and activity can resume only with consultation and approval of the local Authorities.
- While required mitigation is ongoing, the Mine Manager should coordinate with the relevant Employees keeping them informed as to status and schedule of investigations / actions, and informing them when activities may resume.



Figure 1: Photographs of fossil plants from the Vryheid formation that would be expected to occur (Bamford, 2023)