

 <p>NATIONAL MUSEUM BLOEMFONTEIN</p> <p>an agency of the Department of Arts and Culture</p>	<p>Department of Archaeology and Anthropology National Museum 36 Aliwal Street Bloemfontein</p> <hr/> <p>ARCHAEOLOGICAL/PALAEONTOLOGICAL CHANCE FIND PROCEDURE (CFP)</p>
<p><i>Prepared for</i></p>	
<p>EAP: Louis De Villiers (Ansuné Weitsz) - Turn180 Environmental Consultants Developer: South African Road Binders (Pty) Ltd Project co-ordinator for construction: Development Project: Establishment of an Emulsion Plant on Erf 1559 (or alternatively Erf 1560), Hardustria, Harrismith</p>	
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1. SUMMARY

The purpose of this document is to address the possibility of archaeological and/or palaeontological deposits becoming exposed during ground altering activities within the project area and to provide protocols to follow in the case of a chance find to ensure that such sites are documented and protected as required.

Archaeological and palaeontological sites are protected by the National Heritage Resources Act, No 25 of 1999 and these procedures are accordingly to ensure compliance with laws and regulations related with cultural heritage in South Africa. Archaeological/palaeontological sites are non-renewable, very susceptible to disturbance and are finite in number. Archaeological sites are an important resource that is protected for their historical, cultural, scientific and educational value. Impacts to archaeological sites must be avoided or managed by development proponents. The objectives of this Chance Find Procedure (CFP) are to promote preservation of archaeological data while minimizing disruption of construction scheduling. All on-site personnel and contractors are required to be informed of the Archaeological/Palaeontological Chance Find Procedure and have access to a copy while on the construction site.

2. POTENTIAL IMPACT ACTIVITIES

Activities that involve excavation, movement, or disturbance of soils have the potential to impact archaeological as well as palaeontological materials, if present. Activities such as road construction, land clearing, and excavation of foundations or for any other purpose, are all examples of activities that may adversely affect archaeological/palaeontological deposits.

A permit is required for any subsurface investigation of an archaeological site or investigation with the intent to locate a site. Disturbance and/or removal of artefacts from an archaeological site may result in penalties.

3. RELEVANT LEGISLATION

The National Heritage Resources Act (NHRA) automatically protects all archaeological and palaeontological sites, whether on government or private land.

Archaeological means:-

- material remains resulting from human activity which are in a state of disuse and are in or on land and which are older than 100 years, including artefacts, human and hominid remains and artificial features and structures;
- rock art, being any form of painting, engraving or other graphic representation on a fixed rock surface or loose rock or stone, which was executed by human agency and which is older than 100 years, including any area within 10m of such representation;
- features, structures and artefacts associated with military history which are older than 75 years and the sites on which they are found.

Palaeontological means any fossilised remains or fossil trace of animals or plants which lived in the geological past, other than fossil fuels or fossiliferous rock intended for industrial use, and any site which contains such fossilised remains or trace.

In terms of this particular development Sections 35 and 36 of the NHRA are applicable of which the relevant sections are quoted herewith:

Section 35(3): (Archaeology, palaeontology and meteorites)

Any person who discovers archaeological or palaeontological objects or material or a meteorite in the course of development or agricultural activity must immediately report the find to the responsible heritage resources authority, or to the nearest local authority offices or museum, which must immediately notify such heritage resources authority.

Section 36(6): (Burial grounds and graves)

Subject to the provision of any other law, any person who in the course of development or any other activity discovers the location of a grave, the existence of which was previously unknown, must immediately cease such activity and report the discovery to the responsible heritage resources authority which must, in co-operation with the South African Police Service and in accordance with regulations of the responsible heritage resources authority—

- (a) carry out an investigation for the purpose of obtaining information on whether or not such grave is protected in terms of this Act or is of significance to any community; and*
- (b) if such grave is protected or is of significance, assist any person who or community which is a direct descendant to make arrangements for the exhumation and re-interment of the contents of such grave or, in the absence of such person or community, make any such arrangements as it deems fit.*

4. CHANCE FIND PROCEDURE EXECUTION

In the event of the accidental exposure of previously subsurface archaeological material as per description in section 3 above, the following applies:

- All construction activity in the vicinity of the remains is to cease immediately.
- The find location must be recorded, and all remains must be left in place.
- An archaeologist/palaeontologist should be contacted to investigate.
- Potential significance of the remains will be assessed and mitigative options will be identified.
- If the significance of the remains is judged to be sufficient to warrant further action and they cannot be avoided, then the investigating archaeologist or palaeontologist in consultation with the Archaeology, Palaeontology and Meteorite (APM) unit of the South African Heritage Resources Agency (SAHRA) will determine the appropriate course of action.
- In the case of human remains, the SA Police pathologist must be contacted to determine if it is of an archaeological nature. If not, the remains will be dealt with by the SAP.
- If the remains are assessed to be archaeological, an archaeologist with experience in archaeological burial sites should be contacted who will in consultation with the Graves and Burial unit of SAHRA determine the course of action to be taken. Options could include avoidance or respectful removal and reburial.

For the CFP to be effective, the site manager must ensure that all personnel on the development site understand the CFP and the importance of following it if cultural or palaeontological heritage resources are encountered. Additionally, training on cultural heritage resources that might potentially be found on site should be provided to key on-site personnel.

5. RESPONSIBILITIES

Developer	The developer must undertake to ensure the project-coordinator assigned for this project (if different to the developer) signs this document and consequently takes responsibility for implementing this Chance Find Procedure
Project coordinator	The top level person who has ultimate responsibility for the implementation of this plan and who will be legally responsible to ensure the proper execution thereof. This is typically the firm that subcontracts all the various service providers.
Project manager(s)	The person responsible for supervising all site teams and has the responsibility that all site members are aware of the archaeological/palaeontological chance find procedures.
Consultant (archaeologist or palaeontologist)	The consultant is referred in the event of a chance find for his/her advice and for reporting and recording found items according to applicable legislation.

The following people hereby acknowledge receipt of a copy of the CFP and upon signature agrees to implement the CFP if and when required:

DEVELOPER:

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Name

.....

ID Number

.....

Company/Employer

.....

Signature

PROJECT COORDINATOR: (To be completed and signed once such person has been appointed)

.....
Name

.....
ID Number

.....
Company/Employer

.....
Signature

PROJECT MANAGER: (to be completed and signed once such a person has been appointed)

.....
Name

.....
ID Number

.....
Company/Employer

.....
Signature

ARCHAEOLOGIST/PALAEONTOLOGIST: (to be completed and signed once such a person has been appointed)

.....
Name

.....
ID Number

.....
Company/Employer

.....
Signature

Please note a copy of this document, signed by the developer, must be uploaded to SAHRIS at the same time SAHRA is notified of this project by means of registering the case for statutory commenting.