



SOUTH AFRICAN HERITAGE RESOURCES AGENCY
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FOR ATTENTION: PHRA: Limpopo

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SAHRA File No **9/2/253/0003**
Date Received: **15 July 2011**
Date of Comment: **22 February 2012**
Sent to Peer Review:
Date to Peer Review:
SAHRA Contact Person: **Mr. Phillip Hine**
DME Ref No:

REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

BY ARCHAEOLOGY/PALAEONTOLOGY 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: **Mr. Donald Lithole**
- B. AUTHOR(S) OF REPORT: **Nel, J**
- C. ARCHAEOLOGY CONTRACT GROUP: **Digby Wells and Associates**
- D. CONTACT DETAILS: **Private Bag X10046, Randburg 2125**.....
- E. DATE OF REPORT: **May 2011**
- F. TITLE OF REPORT: **Addendum to Phase 1 Archaeological Impact Assessment for the Boikarabelo Coal Mine. Proposed Railway Link from the farm Kruishout to the farm Buffelsjagt, Lephalale Local Municipality, Waterberg District, Limpopo Province.**
- G. Please circle as relevant: Archaeological component of EIA / **EMP** / HIA / CMP Other (Specify).....
- H. REPORT COMMISSIONED BY (CONSULTANT OR DEVELOPER): **Digby Wells and Associates**
- I. CONTACT DETAILS: **Private Bag X 10046, Randburg 2125**
- J. COMMENTS:

Please see comment on next page.....

REVIEW COMMENT ON ARCAHEOLOGICAL IMPACT ASSESSMENT

Nel, J

Date Received: 15 July 2011 Comment: 19 July 2011

Addendum to Phase 1 Archaeological Impact Assessment for the Boikarabelo Coal Mine (proposed railway link from the Kruishout to the farm Buffelsjagt).**INTRODUCTION**

An Archaeological Impact Assessment was conducted for the proposed construction of a railway line that will link Boikarabelo Coal Mine to the existing railway about 40 km southeast, near the Medupi Power Station. The report acts as an Addendum to an Archaeological Impact Assessment conducted for the Boikarabelo Coal Mine. It is noted that the route was surveyed over two days; only the proposed route and servitude was followed keeping within a 100m buffer zone.

According to the report 12 heritage sites were identified along the railway route. These include:

- Four burial sites were identified, RES901/007, 010, and 011 (informal farm labourer burial sites), and RES901/012 a formal churchyard cemetery. The author notes that the burials are located 70m from the proposed railway link and will not be affected by the proposed development.
- Three Middle Stone Age Sites have been identified, RES901/002, 003, 005, and 009. The sites were situated along the perimeter or within dry pans. The author notes that the sites may be more than 50% in situ and represents significant primary spatial context.
- Two Iron Age spot finds were identified, RES901/004 and 008. The potsherds were undiagnostic and found on the surface. The context of these finds could not be established and is believed to be of low significance.
- RES901/001 is a dilapidated semi-demolished building that is believed to have been built by a descendant of a prominent early European family in the area. Material remains found around the site date to within the last twenty years. It is believed that the building may have been purposely demolished.

SAHRA RECOMMENDATIONS

The proposed railway forms part of the proposed Boikarabelo Coal Mine. A range of archaeological resources were identified during the survey for that particular project. SAHRA APM Unit provided detailed recommendations including further Phase 2 Assessments and a Palaeontological Study. In terms of the current project, SAHRA APM supports the general recommendations of the specialist report and:

- Supports the recommendation of Phase 2 assessments on the Stone Age Sites 002, 003, 005, and 009. This must include intensive mapping, a detailed photographic record, and sampling where this is deemed necessary. Considering the range of artefacts may be similar across all four sites, it is recommended that sampling should only be done at one of the sites. The archaeologist must motivate if collection/excavation are to be done at all four sites. The specialist will require a permit in terms of section 35 of the NHRA (Act no. 25 of 1999). On receipt of a satisfactory Phase 2 mitigation

report, SAHRA may make further recommendations.

- The recommendation that the identified cemeteries be retained *in situ* and monitored during construction activities is supported. The graves should be restored where these are dilapidated, protected and conserved in perpetuity. For this purpose, a proper fence must be build around them including entry gates to allow visits from relatives and family friends. The fence must be placed 2 meters away from the perimeter of the graves. No development is allowed within 15 meters from the fence line surrounding the graves.
- If the area where the burials are located fall within the development 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). In the event that any graves are disturbed decision-making regarding these must be sought from the BGG Unit (Mr. T Phili, email: tphili@sat.sahra.org.za).
- No further site specific recommendations are required for the Iron spot finds.
- If any evidence of archaeological sites or artefacts, or other heritage resources are found during construction activities, the SAHRA APM Unit (**Mrs. Colette Scheermeyer, Mr. Phillip Hine, tel: 021-462 4502**), must be alerted immediately, and a professional archaeologist/palaeontologist must be contacted as soon as possible to inspect the findings at the cost of the developer. If the newly discovered heritage resources prove to be of archaeological/palaeontological significance, then a Phase 2 rescue operation might be necessary at the cost of the developer.
- The specialist recommended that a palaeontological assessment would not be necessary for this development, since no bedrock will be disturbed. However, if the developers wish to apply for an exemption of further palaeontological studies, a letter of recommendation for exemption for further palaeontological assessment must be submitted to SAHRA APM Unit from a professional palaeontologist.

No further site specific recommendations were made regarding the semi-demolished Structure at Site 001. Decisions on Built Environment (e.g. structures over 60 years) and Cultural Landscapes are not the function of this unit. Please refer to Limpopo Provincial Heritage Authority (Mr. Donald Lithole, litholek@sac.limpopo.gov.za) to whom we will send the Impact Assessment Report and this Comment.

SIGNATURE OF ARCHAEOLOGIST PROCESSING REPORT:

EMAIL: phine@sahra.org.za.....

SIGNATURE OF SAHRA HEAD ARCHAEOLOGIST:

EMAIL: cscheermeyer@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 10-20 m is left undisturbed between the grave and the fence around the graves.
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 - see attachment), 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.