



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: **Mpumalanga**

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SAHRA File No **9/2/242/0004**
Date Received: **32 August 2010**
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Sent to Peer Review:
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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. Benjamin Moduka**
- B. AUTHOR(S) OF REPORT: **Van Scjalkwyk, J.A.**
- C. ARCHAEOLOGY CONTRACT GROUP: **Heritage Consultant**
- D. CONTACT DETAILS: **62 Coetzer Avenue, Monument Park 0181**
- E. DATE OF REPORT: **October 2009**
- F. TITLE OF REPORT: **Heritage Impact Assessment for the proposed coal mining activities on the farm Vlakfontein 569 JR, Witbank Magisterial District, Mpumalanga Province**
- G. Please circle as relevant: Archaeological component of EIA / EMP / HIA / CMP Other (Specify)
- H. REPORT COMMISSIONED BY (CONSULTANT OR DEVELOPER): **SRK Consulting Engineers and Scientists**
- I. CONTACT DETAILS: **P.O. Box 55291, Northlands 2116**
- J. COMMENTS:

Please see comment on next page

REVIEW COMMENT ON ARCAHEOLOGICAL IMPACT ASSESSMENT

Van Scjalkwyk, J.A.

Date Received: 23/08/2010 Comment: 23/10/2010

Heritage Impact Assessment for the proposed coal mining activities on the farm Vlakfontein 569 JR, Witbank Magisterial District, Mpumalanga Province.

INTRODUCTION

African Exploration Mining and Finance Corporation (AEMFC) propose to establish coal prospecting activities on the farm Vlakfontein 569 JR, in the Witbank area of the Mpumalanga Province, South Africa. According to the Impact Assessment that was conducted for the property, no archaeological heritage resources were identified. However, three informal cemeteries were recorded, two of which will not be impacted by the development. The specialist indicated that it is highly likely that the third cemetery may be impacted as it is located within the development footprint.

In addition to these, a number of houses are located and still inhabited by the Venter family on Portion 20 of the farm. The specialist indicated that these houses likely date to the 1940s and 1950s and that there is a very small chance that the mining affect the houses. The embankment of an old railway line that served the New Largo Mine was also located on the western edge of the study area.

SAHRA RECOMMENDATIONS

Since no archaeological heritage resources were identified during the survey, SAHRA APM Unit does not have any objections to the proposed development in terms of the archaeological component of the heritage resources. The APM Unit agrees with the general recommendations set out in the specialist report.

- Since the two informal cemeteries (Site 1 and 2) will not be affected by the mining, the recommendation of the author that these two graveyards must not be disturbed 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.
- Since it was indicated that the informal cemetery Site 3 will likely be affected by mining activity, the recommendation that these may be relocated following a social consultation process is supported. However, if the cemetery will not be affected than it should be left undisturbed and the recommendations for Site 1 and 2 be implemented.
- If any evidence of archaeological sites or artefacts, or other heritage resources are found during construction activities, the SAHRA APM Unit (**Mrs. Nonofho Ndobochani, 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.

Where bedrock is to be affected, or where there are coastal sediments, or marine or river terraces and in potentially fossiliferous superficial deposits, the developer must ensure that a professional Palaeontological Desk Top study is undertaken to assess whether or not the development will impact upon palaeontological resources. If this is deemed unnecessary, a letter of recommendation for exemption from a professional Palaeontologist is needed. If the area is deemed sensitive, a full Phase 1 Palaeontological Impact Assessment will be required and if necessary a Phase 2 rescue operation might be necessary (see attached list of accredited Palaeontologists).

The specialist noted that Site 4, the Railway line and Venter family Houses will not be affected by the mining. However, it was recommended that Houses be affected by future mining, they must be mapped and recorded in detail. Decisions on Built Environment (e.g. structures over 60 years) and Cultural Landscapes are not the function of this unit. Please refer to Mpumalanga Provincial Heritage Authority (Mr. Benjamin Moduka bmoduka@mpg.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:

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 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.

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