

Final Comment

In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Mashala Resources (Pty) Ltd

The proposed project is an open cast and underground coal mine and will comprise of bord and pillar underground mining with a small area of rollover open cast mining at the adit. The application area is approximately 1 291 hectares in extent and falls within the jurisdiction of the Mkhondo Local Municipality in the Gert Sibande District Municipality of Mpumalanga. The proposed project is situated on Portion RE of the farm Leiden 340 IT, South of Sheepmoor, between Ermelo and Piet Retief, Mpumalanga.

Thank you for updating the case on SAHRIS by uploading the additional information that was requested in the formal interim comment response letter dated 30/04/2014 and attached to this case. Requested in the interim comment is a Palaeontological Impact Assessment report, and a Phase I Heritage Impact Assessment with a map of the heritage resources identified in the Heritage Scoping Report of October 2013.

In terms of the National Heritage Resources Act, no 25 of 1999, heritage resources, including archaeological or palaeontological sites over 100 years old, graves older than 60 years, structures older than 60 years are protected. They may not be disturbed without a permit from the relevant heritage resources authority. Before such sites are disturbed by development, or mining, it is incumbent on the developer to ensure that a Heritage Impact Assessment is done in terms of Section 38(8) of the NHRA. This report must assess the impact of the proposed development on heritage resources and must provide possible mitigation measures, which may involve recording, sampling and dating sites that are to be destroyed.

Birkholtz, P. October 2013. *MASHALA RESOURCES: LEIDEN COLLIERY PROJECT HERITAGE STUDY: IMPACT ASSESSMENT REPORT.*

In October 2013 Mr Birkholtz with his field assistant Mr James Morris undertook a field assessment of the proposed Leiden Colliery near the town Sheepmoor, and the field assessment included the surrounding landscape. All the heritage resources found on in the field assessment lie outside the planned mining area. The only location in which there may be a possibility of heritage resources is in the Northwestern corner of the mine property where the opencast pit is proposed to be located.

The palaeontology assessment will be mentioned later on under its own reference as it was uploaded as an independent document.

- Probable homestead site shown in figure 17 showing the location of two homestead in a map dated 2630CD topographical sheet that was compiled in 1985, as mentioned in the report referenced above. No physical



evidence is left behind on the ground, and in an earlier map in 1971 there are no homesteads present or marked. Thus it is concluded in the report that the homestead was established between the periods of 1971 and 1985, making any remains from this homestead less than 60 years of age thus not a heritage resource. If there are any graves uncovered during topsoil removal in the Northwestern corner of the proposed open pit then these graves would be relocated and attended to under the Human Tissues Act (65 of 1983).

Under section 36 of National Heritage Resources Act NHRA (25 of 1999), Graves that are older than 60 years old are protected from damage or destruction by any development, mining activities. Where there are no known relatives or head stones to identify graves and they are old, they are still protected by the NHRA. Where graves are younger than 60 years of age, they are protected from damage and destruction under the Human Tissues Act (65 of 1983) and other Exhumation Ordinances.

The other identified heritage resources and cemeteries are still protected under sections 34; 35; 36 of the NHRA, thus if in the future there are any proposed mine expansions then there will be a need for another HIA with a map showing the identified heritage resources in relation to the planned development activities.

Dr Groenewald, G. October 2013. *PALAEONTOLOGICAL DESKTOP ASSESSMENT FOR THE LEIDEN COLLIERY ON THE REMAINDER OF THE FARM LEIDEN 340 IT, MKHONDO LOCAL MUNICIPALITY, GERT SIBANDE DISTRICT MUNICIPALITY, MPUMALANGA PROVINCE*

The palaeontological assessment was conducted by Dr Groenewald last year to determine if there is any potential negative impacts to palaeontology, by the development of the mine. It was determined that the project location lies almost entirely Vryheid formation which is known to have a very high likelihood to contain fossilised plant material, with some dolerite dyke intrusions which have negligible fossil content. It was determined that it would not be feasible to do a field assessment as the coal seams are far underground and the fossil bearing shale and mudstones will be between the coal seams, as mentioned in the palaeontological report referenced above.

Final Comment

SAHRA APM Unit has no objections to the development of the opencast and underground Leiden Colliery on condition that:

- No heritage resources are to be impacted negatively by the proposed mine development, under the alternative 3 option. However there should be protocols set up in the case of any heritage resources are discovered during construction of the mine, and during the removal of the topsoil, then working should stop immediately and a suitably qualified professional archaeologist needs to be contacted to inspect the finds.



- Should there be any graves uncovered then as according to section 36 of National Heritage Resources Act (NHRA) (25 of 1999), graves that are older than 60 years are protected from damage or destruction by any development or mining activities. Where there are no known relatives or head stones to identify graves and their age, they are still protected by the NHRA. Where graves are younger than 60 years of age, they are protected from damage and destruction under the Human Tissues Act (65 of 1983) and other Exhumation Ordinances.

An HMP should be developed by a professional archaeologist, who list all the heritage resources, and describe them completely.

- In the case of the grave, if there are no existing family relatives, it is the duty of the mine to fence them off and conserve them.

- Also included in the HMP should be the recommendations written in the PIA report which are:

- The mine geologist should inspect the shale and mudstones extracted during the coal mining operations for any fossils. If fossils are found a palaeontologist and SAHRA should be informed immediately. A permit also needs to be applied for the removal of the fossils.

- The Construction Manager and the Mine Manager should acquaint themselves with how fossils look like, thus also teaching employees how they look like and if they find any that they should notify the mine geologist, who will in turn notify a professional palaeontologist about the presence of fossils.

- A site inspection should be arranged and made possible by the mine for a suitably qualified professional palaeontologist as a field inspection was not done.

- Should any evidence of any significant archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments and charcoal/ash concentrations), unmarked human burials, fossils or other categories of heritage resources are found during the proposed activities, SAHRA APM Unit (Nokukhanya Khumalo/Colette Scheermeyer 021 462 4502) must be alerted immediately, and a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contacted as soon as possible to inspect the findings. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance a Phase 2 rescue operation might be necessary.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully



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CaseID: 5489

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Page No: 4



an agency of the
Department of Arts and Culture

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ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/162750>

(, Ref: 30/5/1/1/2/10091 MR) (MDEDET, Ref: 17/2/3 GS-242) (DEA, Ref: 14/12/16/3/3/3/105)

Terms & Conditions:

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.



The South African Heritage Resources Agency

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