



SOUTH AFRICAN HERITAGE RESOURCES AGENCY
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FOR ATTENTION: **SAHRA Limpopo OR PHRA: Limpopo**

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SAHRA Contact Person: **Mr. Phillip Hine**

DME Ref No:

REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

BY ARCHAEOLOGY/ PALAEOLOGY 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. SAHRA PROVINCIAL MANAGER : **Mrs. Portia Ramalamula**
- C. AUTHOR(S) OF REPORT: **Van der Walt, J**
- D. ARCHAEOLOGY CONTRACT GROUP: **Wits Heritage Contracts Unit**
- E. CONTACT DETAILS: **School of Geography, Archaeology and Environmental Studies, Private Bag 3, P.O. Wits 2050**
- F. DATE OF REPORT: **September 2010**
- G. TITLE OF REPORT: **Final Archaeological Impact Assessment Chronimet Underground Mine, Opencast Mine and Process Plants, Amandelbult, Limpopo Province.**
- H. Please circle as relevant: Archaeological component of EIA / EMP / HIA / CMP Other (Specify)
- I. REPORT COMMISSIONED BY (CONSULTANT OR DEVELOPER): **TWP Environmental Services**
- J. CONTACT DETAILS: **Tel: 011 356 7300, email: tgardiner@twp.co.za**
- K. COMMENTS:

Please see comment on next page

REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

Van der Walt, J

Received: 23 November 2010 Commented: 19 April 2011

Final Archaeological Impact Assessment Chronimet Underground Mine, Opencast Mine and Process Plants, Amandelbult, Limpopo Province.

INTRODUCTION

An Archaeological Impact Assessment was conducted for the Chronimet Mine, Amandelbult, Limpopo Province in 2009. An Archaeological Review Comment, dated 20/12/2010 was send to the EAP and Heritage Practitioner, listing several recommendations that must be implemented. The final report was submitted because technical changes were made that includes an opencast mine. However, no new archaeological or other heritage resources were identified during this process. The recommendations contained in the original Archaeological Review Comment (20/12/2010), and listed below must be implemented.

RECOMMENDATIONS

SAHRA APM Unit support the general recommendations highlighted in the specialist report.

- Phase 2 Archaeological Impact Assessments at MSA sites 2 and 9 to determine the depth of the archaeological deposit and to excavate a representative sample. Furthermore, the extent of Site 2 and 9 should be mapped and stratigraphic profiles drawn.
- The recommendation that a rescue mitigation assessment should be conducted for the LIA Site 1 that was impacted on by the opencast pit is supported. Should any of the other LIA complex sites (1, 2, 4, 5, 12, 17, 20, 21, 24, 25, and 29) be threatened by the mining operations then further assessments in the form of phase 2 mitigation impact assessments should be conducted. This should include amongst others, detailed mapping of the sites, test excavations where archaeological are identified.
- If the following LIA Sites 6, 8, 10, 11, 13, 14, 15, 16, 18, 22, 23, 28, 30, and 31 will be impacted then the recommendation that dung samples be collected at the livestock enclosures is supported. These sites should also be properly mapped.
- Please note that the responsible specialist would need to apply for a phase 2 mitigation permit in terms of section 35 of the NHRA (Act no. 25 of 1999), to conduct further assessments outlined in the above recommendations.
- The recommendation that the three graveyards identified be retained *in situ* 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.
- Alternatively, 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).

- If any new evidence of archaeological sites or artefacts, or other heritage resources are found during construction activities, the SAHRA APM Unit (Mrs. Nonofho Ndobchani, or Mr. Phillip Hine, tel: 012 462 4502) must be alerted immediately, and a professional archaeologist 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 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 indicated that no further assessment would be needed for the farm labourer dwellings. However, it was recommended that a conservation architect examine the two farm houses Site 27 and 37 and make further recommendations. Decisions on Built Environment (e.g. structures over 60 years) and Cultural Landscapes must be made by the Limpopo SAHRA Provincial office (Portia Ramalamula: pramalamula@lp.sahra.org.za)/ Provincial Heritage Authority (Donald Lithole, litholek@sac.limpopo.gov.za) to whom this Archaeological Review Comment will be copied.

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