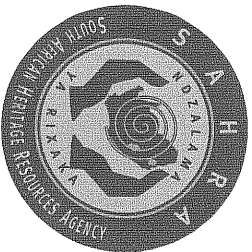


FOR ATTENTION: SAHRA Mpumalanga OR PHRA: Mpumalanga



SOUTH AFRICAN HERITAGE RESOURCES AGENCY
111 HARRINGTON STREET, CAPE TOWN, 8001
PO BOX 4637, CAPE TOWN, 8000
TEL: 021 462 4502 FAX: 021 462 4399

REVIEW COMMENT ON

ARCHAEOLOGICAL IMPACT ASSESSMENT

BY ARCHAEOLOGY/PALAEONTOLOGY UNIT OF THE HERITAGE RESOURCES AGENCY

FOR OFFICIAL USE ONLY:
SAHRA File No: 9/2242/0018
Date Received: 05 September 2007
Date of Comment: 02 October 2007
Sent to Peer Review:
Date to Peer Review:
SAHRA Contact Person: Mrs Portia Ramalalula
DME RefNo:

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.

AIs 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: *Mpumalanga PROVINCE/Mr Benjamin Moduka*
- B. SAHRA PROVINCIAL MANAGER : *MPUMALANGA PROVINCE : Mrs Nkosazana Machete*
- C. AUTHOR(S) OF REPORT: *Mr W Fourie*
- D. ARCHAEOLOGY CONTRACT GROUP: *Matakoma ARM Heritage Contracts Units*
- E. CONTACT DETAILS: *P/ Bag 3, P.O. Wits, 2050, Cell: 082 851 3575, 082 373 8491, Fax: 011 717 6578, E-mail: info@matakoma.co.za*
- F. DATE OF REPORT: *August 2007*
- G. TITLE OF REPORT: *NUCCOAL MINING ARCHAEOLOGICAL IMPACT ASSESSMENT PROPOSED COAL MINING ON PORTION OF THE FARM OP GOEDENHOOP 205 IS, HENDRINA, MPUMALANGA PROVINCE*
- H. Please circle as relevant: Archaeological component of EIA / EMP / HIA / CMP Other (Specify)
- I. REPORT COMMISSIONED BY (CONSULTANT OR DEVELOPER): *Ms Marike Fourie, Digby Wells & Associates*
- J. CONTACT DETAILS: *Digby Wells & Associates, P/Bag X 10046, Randburg, 2125, Tel: 011 789 9495, Fax: 011 504 1440*
- K. COMMENTS:

Please see comment on next page

REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

W Fourie

August 2007, Received 05 September 2007

NUCCOAL MINING ARCHAEOLOGICAL ARCAHEOLOGICAL IMPACT ASSESSMENT PROPOSED COAL MINING ON PORTIONS OF THE FARM OP GOEDENHOOP 205 IS, HENDRINA, MPUMALANGA PROVINCE

Portions of farm Goedenhoop 205 IS in Hendrina were surveyed in order to identify possible heritage resources that might occur.

Two sites (a cemetery and historical homestead) of heritage value were found within the close proximity to the proposed opencast and haul road footprint of the proposed mining area.

The author recommends that the cemetery be fenced with a 15 meter buffer zone to protect it from accidental damage. In the event that the haul road is to impact on graves, the relocation of the graves must be considered and be done with full social consultation process and the relevant authorizations (see appendix 1)

The author indicates that if the mining and haul road necessitates the destruction of any buildings of the farmstead it is recommended that the buildings be evaluated by a conservation architect prior to destruction applications. If the recommendations are adhered to, the development may commence.

The SAHRA Archaeology, Palaeontology and Meteorite unit supports the recommendations of the specialist that the proposed prospecting development may proceed on condition that the developer MUST ensure that a full Phase 1 Archaeological Impact Assessment is done once the mining permit is obtained and BEFORE trenching and mining start.

If the recommendations made in the specialist report and in this comment are adhered to, the SAHRA Archaeology, Palaeontology and Meteorite Unit has no objection to the development (in terms of the archaeological component of the heritage resources). If any new evidence of archaeological sites or artefacts, palaeontological fossils, graves or other heritage resources is found during development, construction or mining, SAHRA must be alerted immediately, and an accredited archaeologist must be contacted as soon as possible to inspect the findings 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, at least a letter of exemption from a 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).

Decisions on Built Environment (e.g. structures over 60 years) and Cultural Landscapes must be made by the SAHRA Mpumalanga Provincial Office (Mrs. Nkosazana Machete: nmachete@mp.sahra.org.za) / and the Mpumalanga Provincial Heritage Authority (Mr Benjamin Moduka bmoduka@nel.mpu.gov.za , ph: 013 766 5196) to whom this Archaeological Review Comment will be copied.

SIGNATURE OF ARCHAEOLOGIST PROCESSING REPORT *Pranada Medinow*

EMAIL: *pranadamula@sahra.org.za*

SIGNATURE OF SAHRA HEAD ARCHAEOLOGIST: *Pranada Medinow*

EMAIL: *pranadamula@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 PRINCIPLE, 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 compiled 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.