



<b>To:</b>	SAHRA Case Officers	<b>Date:</b>	29 May 2023
<b>From:</b>	Digby Wells Environmental	<b>Proj #:</b>	ERG6028
<b>RE:</b>	<b>City Dump Burial Ground Mitigation Process - Proposed Way Forward and Proposed Project Close out</b>		

## 1. Project Background and History

Ergo Mining (Pty) Ltd (Ergo) identified exposed human remains from a burial ground adjacent to the City Deep 4L2 Mine Dump in Johannesburg (4L2 Dump). Following this chance find, Ergo appointed Digby Wells Environmental (Digby Wells) to provide specialist support in respect of the discovery, with the ultimate aim to manage the impact to this heritage resource, through reinterment of the exposed remains and the development and implementation of a Heritage Site Management Plan (HSMP).

Digby Wells undertook a site inspection on 28 May 2019 to demonstrate compliance with instructions received from the South African Heritage Resources Agency (SAHRA) on 23 May 2019. Additionally, this site visit informed recommendations for immediate remedial actions to be undertaken, including the demarcation of the approximate extent of the burial ground and the cessation of any works in this area.

Digby Wells completed an additional Site Inspection of the affected burial ground on 26 June 2019 to record, as far as possible, the number of individual graves and the aerial extent of the affected burial ground. The results of these site visits and additional longer-term mitigation measures were presented to Ergo in a Site Inspection Report (SIR). The additional recommendations included:

- Reinterment of the *ex-situ* human remains with the authorization of the SAHRA Burial Grounds and Graves (BGG) Unit;
- The immediate establishment of a buffer zone of 25 m that is clearly and visibly demarcated; and
- The development and implementation of an HSMP to manage the remedial actions to mitigate manifested impacts and implement additional management measures to avoid or reduce current and future risks.

This SIR was subsequently submitted to the and SAHRA BGG Unit<sup>1</sup> via the South African Heritage Resources Information System (SAHRIS) together with an HSMP for adjudication (submitted 09 July 2019 and 01 August 2019 respectively). In their Interim Comment<sup>2</sup>, SAHRA

<sup>1</sup> Case ID: 14041, accessible at: <https://sahris.sahra.org.za/cases/erg5884-city-deep-4l2-dump-heritage-management>

<sup>2</sup> Dated 10 October 2019, accessible at: <https://sahris.sahra.org.za/node/529242>

BGG Unit required the submission of a Rescue Permit Application to re-enter the exposed remains. This process would require a full Public Participation Process (PPP) be completed to identify the remains and Next-of-Kin (NoK). The SAHRA BGG additionally required a detailed Heritage Impact Assessment (HIA) report be compiled and detailed mapping of the burial ground be conducted through test excavations or trenches (subject to a separate permit application process).

In response to these requirements, Digby Wells submitted a letter<sup>3</sup> to the SAHRA Case Officer requesting clarification on the requirements included in the Interim Comment. Digby Wells received no response to this clarification request. The SAHRA BGG Unit informed Digby Wells that the case has been transferred to the SAHRA Heritage Protection Unit (HPU) on 29 June 2020. Consultation with the HPU confirmed that a Rescue Permit Application process would be required to continue with the proposed mitigations.

Digby Wells completed the Scope of Work (SoW) required for the Rescue Permit Application and submitted this to the Case Officer for adjudication on 18 August 2020. Digby Wells undertook a site inspection with the SAHRA HPU Case Officer on 25 August 2020. This site inspection resulted in the SAHRA HPU issuing a Contravention Notice and the SAHRA BGG Unit redistributing the Interim Comments of 30 September 2019 and reiterating the need for a PPP.

Digby Wells submitted an HIA report on 11 December 2020, including the required PPP. No further communication was received on this application and Digby Wells issued another letter to SAHRA, including their Executive Team, on 29 January 2021 requesting feedback regarding this case. SAHRA responded to this letter on 03 February 2021. Digby Wells and SAHRA HPU held an additional site visit on 22 February 2021, whereupon the Stop Work Order was lifted.

This letter resulted in an online meeting with representatives from Digby Wells and the SAHRA HPU, BGG Unit and Executive Team on 23 February 2021. During this meeting, the SAHRA BGG Unit Case Officer outlined requirements not met by Digby Wells in their application for the Rescue Permit.

Digby Wells completed an additional PPP from 29 March to 31 May 2021 to address these unmet requirements, including the distribution of pamphlets, radio advertisements, newspaper advertisements and the placement of site notices to identify NoK or Interested and Affected Persons (I&APs). No responses had been received as of 18 June 2021.

## 2. Current Project Status

Digby Wells awaits feedback from the SAHRA BGG Unit on the Rescue Permit application, and the other mitigation measures proposed in the SIR and HSMP.

---

<sup>3</sup> Dated 11 October 2019, accessible at the SAHRIS case linked above.

In feedback on the case submitted to the SAHRA BGG Unit<sup>4</sup>, SAHRA committed to engaging the South African Police Services (SAPS) Forensic Unit to collect the exposed remains and store them until they can be relocated. Should the SAPS Forensic Unit refuse to store these remains, SAHRA BGG Unit will discuss on-site reburial with Digby Wells.

Furthermore, through other engagements with SAHRA, Digby Wells understands that SAPS must undertake a criminal investigation related to the disturbance of the grave and exposure of the mortal remains. This is now a matter between the SAHRA BGG Unit and the SAPS Forensic Unit.

### 3. Way Forward

The way forward in terms of implementation of the heritage mitigations is dependent on the Statutory Comment issued by the SAHRA BGG Unit on the Rescue Permit and/or the SIR and HSMP submitted to the active case on SAHRIS. This comment is, in itself, dependent on feedback from the SAPS Forensic Unit and the outcomes of this criminal case.

As such, Digby Wells has recommended to Ergo that this Project be closed, and Digby Wells halt any ongoing follow-up or project management activities to allow SAPS and the SAHRA BGG Unit to conclude the necessary investigations and to decide upon the actions needed to mitigate impacts to the affected mortal remains and avoid further impacts to the burial ground.

Following the receipt of feedback from SAHRA BGG Unit, Digby Wells will forward this to Ergo, whereafter Ergo will decide on the way forward and appoint a suitably-qualified practitioner to carry out the activities required to meet the conditions or requirements included such feedback.

We look forward to receiving feedback on the way forward. Please do not hesitate to contact the Digby Wells Heritage Team for further information or clarification.

Regards,



Shannon Hardwick

*Team Lead: Heritage*

---

<sup>4</sup> Memo dated 29 April 2021, feedback received 28 May 2021.