



SOUTH AFRICAN HERITAGE RESOURCES AGENCY
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FOR ATTENTION: **PHRA Eastern Cape**

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SAHRA File No: **9/2/034/0002**
 Date Received: **01.06.2010**
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 SAHRA Contact Person: **Mariagrazia Galimberti**
 DME Ref No:

REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

BY ARCHAEOLOGY/ PALAEOONTOLOGY 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: **Eastern Cape**
- B. AUTHOR(S) OF REPORT: **Dr Lita Webley, Mr Tim Hart, Mr Dave Halkett**
- C. ARCHAEOLOGY CONTRACT GROUP: **ACO Associates CC**
- D. CONTACT DETAILS: **8 Jacobs Ladder, St James, Cape Town 7945**
- E. DATE OF REPORT: **14.12.2009**
- F. TITLE OF REPORT: **Heritage Impact Assessment of a proposed wind energy facility to be situated on portions of farms Arolsen 69, Farm Baviaans Krans 151, Baviaans Krans 151/2, Klip Fonteyn 150/2, Roberts Kraal 281, Zure Kop 74/1, Zure Kop 74/2, Van Wyks Kraal 73/2 and Van Wyks Kraal 73/3 in the Cookhouse District, Eastern Cape.**
- G. Please circle as relevant: Archaeological component of **EIA** / EMP / HIA / CMP
 Other (Specify)
- H. REPORT COMMISSIONED BY (CONSULTANT OR DEVELOPER): **Savannah Environmental (Pty) Ltd**
- I. CONTACT DETAILS: **Ms Karen Jodas, PO Box 148, Sunninghill, 2157, Tel: 011 234 6621, Fax: 086 684 0547, karen@savannahsa.com**
- J. COMMENTS:
Please see comment on next page

REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT

Dr Lita Webley, Mr Tim Hart and Mr Dave Hart on behalf of ACO Associates
Date of the report: 14.012.2009, Received: 01.06.2010

Heritage Impact Assessment of a proposed wind energy facility to be situated on portions of farms Arolsen 69, Farm Baviaans Krans 151, Baviaans Krans 151/2, Klip Fonteyn 150/2, Roberts Kraal 281, Zure Kop 74/1, Zure Kop 74/2, Van Wyks Kraal 73/2 and Van Wyks Kraal 73/3 in the Cookhouse District, Eastern Cape.

INTRODUCTION

A wind energy facility with up to 200 turbines is planned between the towns of Cookhouse and Bedford on an area of about 91 km². This HIA only considers the wind turbines footprint, but the position for the ancillary infrastructures, including access roads and overhead powerlines had not been defined yet at the time of this Heritage Impact Assessment.

A Palaeontological Impact Assessment was commissioned on the same project and SAHRA is looking forward to receiving it.

Archaeological resources identified on the impacted areas are scattered stone tools, a stone kraal, a stone boundary/fence poles, an historic quarry and a circular threshing floor.

A number of cemeteries and informal graves have also been recorded on the area.

SAHRA RECOMMENDATIONS

SAHRA Archaeological Palaeontological and Meteorite and SAHRA Burial Grounds and Graves Units support the recommendation of the author and require that:

- The graves should be restored where these are dilapidated, and protected. For this purpose, if not already done, a proper fence, including entry gates, must be built around them before construction and operation start. The fence must be placed 2 m away from the perimeter of the graves. No development is allowed within 15 m from the fence line surrounding the graves (see Appendix 1 and SAHRA Regulations).
- A Conservation Management Plan (CMP) must be presented to SAHRA for the conservation of both existing graveyards and single graves.
- In no circumstances the development of the Wind Energy Facility can affect the graves.
- All other archaeological resources (e.g. historic boundary stones and ruins of old buildings over 100 years) cannot be impacted by the construction of the turbines and ancillary infrastructures. Their presence should be clearly demarcated during construction in order to avoid damage.

CONCLUSION

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 or construction, SAHRA (Mariagrazia Galimberti, tel: 021 462 4502) and a professional archaeologist must be alerted immediately.

SAHRA will comment on the palaeontological aspect of the project, once the Palaeontological Impact Assessment is received.

Decisions on Built Environment (e.g. structures over 60 years), Cultural Landscapes and associated Living Heritage (e.g. sacred sites) must be made by the Eastern Cape Provincial Heritage Authority (Mr. Cameron Dokoda, cmdokoda@yahoo.com) to whom this Archaeological Review Comment will be copied.

SIGNATURE OF ARCHAEOLOGIST PROCESSING REPORT: 

EMAIL: mgalimberti@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.
- e. 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.