

## **PROGRESS REPORT 07: May 22, 2012**

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### **Tower 205 & List of Previous Recommendations PROPOSED 400KV TABOR-WITKOP TRANSMISSION LINE, LIMPOPO PROVINCE**

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May 22, 2012

	<b>TOWER 205</b>
3	Preliminary Report and Progress Report 01 – March 20 & 29, 2012
4	Progress Report 04 – April 17, 2012
	<b>TOWER 146</b>
10	Progress Report 03 – April 10, 2012
10	Progress Report 04 – April 17, 2012
	<b>TOWER 192</b>
11	Progress Report 05 – May 10, 2012
	<b>TOWER 193</b>
12	Progress Report 05 – May 10, 2012
	<b>TOWER 198</b>
12	Progress Report 05 – May 10, 2012
	<b>TOWER 204</b>
14	Preliminary Report and Progress Report 01 – March 20 & 29, 2012
	<b>TOWER 206</b>
15	Progress Report 01 – March 29, 2012
16	Progress Report 02 – April 2, 2012
16	<b>RECOMMENDATIONS</b> for immediate action to be taken for all identified archaeological sites, in particular Tower 205
18	<b>ATTACHMENT 01</b> – Excerpts from reports with quotations from the NHRA (25 of 1999)
23	<b>ATTACHMENT 02</b> – Letter concerning boxing of graves at Tower 205

## TOWER 205

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On May 22, 2012, the archaeologist visited Tower 205, accompanied by Mr O De Canha. Work had progressed from filling the excavations to the stage where the tower is being assembled on site. As precautionary measures, in order not to disturb or damage any of the graves, recommendations in four earlier reports (see *below*) had been made regarding the process and the measures that should be taken. Excerpts from these reports are quoted in **Attachment 01**.

In an earlier discussion with Mr P D'Oliveira, it was decided to make wooden boxes which would cover the graves adjacent to the towers, upon which the materials would be stored until and during construction. His letter of recommendation to Eskom is included as **Attachment 02**.



**Figures 1 & 2.** *The above images illustrate the temporary demarcation of graves: yellow boards which were clearly visible and orange netting around the two graves next to and under the tower.*

The recommendations in the reports are quoted below. Important words and phrases were underlined by the author.

### **PRELIMINARY REPORT & PROGRESS REPORT 01 - MARCH 20 & 29, 2012**

In agreement with the Act these features should:-

1. be left in place;
2. be isolated by demarcating a 20 m buffer zone around it, starting from the outermost graves that can be located. Standard fencing material should be used to permanently remain in place; and
3. heavy excavation equipment must be removed from the site.

This means that the position of Tower 205 will have to be moved to a position outside the demarcated area.

4. Alternatively, the graves that will be affected (where the tower needs to be positioned as well as the graves in the approach of the excavation and

construction equipment), will have to be exhumed and re-interred elsewhere within the confines of the present burial grounds.

5. It is further advised that an archaeologist be present when the area is demarcated and during the construction of the tower, should more cultural remains be uncovered and to prevent accidental damage to it.
6. Reconnaissance of the immediate area should also be undertaken in an attempt to contextualise the burials.

**April 3.** Since vehicle traffic is a real threat to the cemetery, it is strongly advised that permanent demarcation of this area should receive URGENT ATTENTION. According to The National Heritage Resources Act 25 of 1999, some infringement of this law has already taken place.

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## PROGRESS REPORT 04 - APRIL 17, 2012

It is recommended to permanently demarcate the area before construction of the tower commences:

- A permanent marker should be erected at the **entrance** to the access road.
- The present **access road** should be delineated and maintained for purposes of construction and future inspection. The graves in the immediate area of the access road and the current parking area should be protected. As a permanent measure, wire fencing materials should be used; however, it has to be maintained and is prone to theft.
- The **tower** and the sensitive area underneath the **power lines** should be demarcated. For the duration of the excavation process, the graves were temporarily indicated with yellow markers. These, however, tend to fall over and are removed from site.
- It would be preferable if the entire **cemetery** area could be demarcated with permanent fencing. There are possibly many more graves. The cluster effect is due to the identification and isolation of these features where preconstruction activities and debushing demanded heavy traffic. The apparent line formed by the graves (in the lower half of the image below) is the result of walking the line towards Tower 206. If the area is to be fenced, access for inspection purposes would be a problem.
- Workers should be made aware that the **area** is sensitive. No vehicular traffic should be allowed on these graves.

None of the recommendations had been implemented, although it was stipulated in four separate reports that the cemetery should be permanently demarcated. This was a condition for the erection of the tower in its present position since Eskom

elected not to have the graves relocated. The **National Heritage Resources Act 25 of 1999, Section 36**, pertaining to graves and burials, has thus been breached. This is a serious offence and the archaeologist is under obligation to report it to SAHRA (South African Heritage Resources Agency) who will take further action. See Section 45 in Attachment 01 in this regard.

- Up to the casting of the tower's legs, the archaeologist was informed of the process and was in attendance at all times. However, no notification was given prior to the excavations being refilled, or when the material was brought onto site and assembly was begun.
- No demarcation of the area was undertaken;
- There is no sign indicating parking for the vehicles of the construction workers/inspection;
- The two graves that stood in immediate danger of being damaged were temporarily demarcated with orange netting and maintained during excavation and the casting of the foundations. These had been removed, which resulted in the one grave being destroyed;
- The archaeologist was not informed when work commenced on site after the foundations were cast and was thus not present (as was advised in all the reports pertaining to this specific site);
- No protection (i.e wooden boxes) for the graves was brought on site.
- The access road was not delineated as stipulated, and tracks are visible over some of the graves next to it.
- It is clear that the workers had not been made aware of the sensitivity of the area.



**Figure 3.** The position of Leg C of Tower 205 is marked with steel rods and yellow caps (indicated with a red square). The burial is temporarily demarcated with the orange netting. From the above image it is clear that the one leg of the tower is almost on top of the grave.



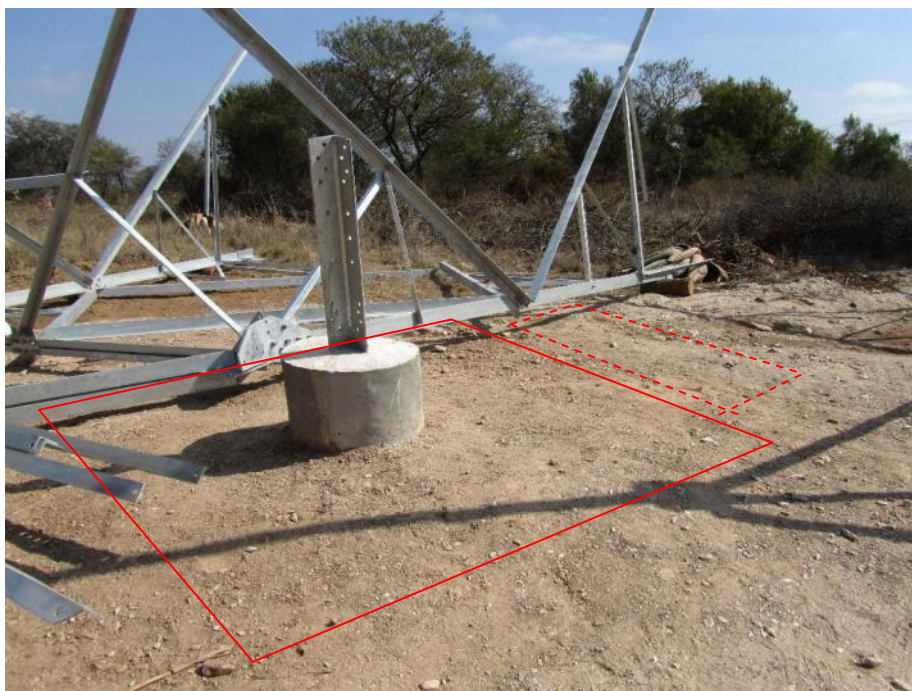
**Figure 4.** Great care was taken during excavation to prevent damage to the grave: when the bucket teeth blunted and made excavation not only difficult but also endangered the grave, another excavator replaced the previous, larger one.



**Figure 5.** The excavation being complete, it is clear that the grave is quite close to it. The temporary demarcation is still in place.



**Figure 6.** *The disturbance of soil from the stratigraphy of the dug grave (delineated in red). It is clear that the excavation cut through a small portion of the grave. No skeletal material, however, was visible or was removed. The excavation was completed without any further damage to the burial.*



**Figure 7.** *This photograph was taken on May 22, 2012 when the archaeologist inspected the site after it came under her attention that work had continued on the tower without her being informed of it. The red trapezoid roughly indicates the filled excavation and the dashed rectangle roughly indicates the previously demarcated area. The grave mound had been completely removed.*



**Figure 8.** *The two excavators worked carefully around the two temporarily demarcated graves without any damage to it. The archaeologist was present at all times during excavation activities. At left is the demarcated grave which had been damaged during the filling of the foundation.*



**Figure 9.** *The commencement of the casting process. The archaeologist was on site during this process. No damage was done to the grave.*





**Figure 10.** The final stages of the casting process. The archaeologist was also on site, informed about it in advance.



**Figure 11.** The site on May 22: Mr O De Canha is standing at the site of the one grave with one of the yellow markers in his hand. This was picked up in the veldt beyond the construction material. No demarcation is in place and it is evident that vehicles were driven over it.

Other archaeological sites are also at stake. These are listed below, with excerpts from the reports. A rough draft, in table format, has been forwarded on May 21 to Mr P Reitz, the Environmental Officer.

## TOWER 146

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### PROGRESS REPORT 03 - APRIL 10, 2012

It is advised that either of the following solutions should be considered for the preservation of the archaeological site:

- The tower should be moved outside the sensitive area. If necessary, one tower (self-supporting) could be erected on each side outside of the archaeological area.
- The area where the tower is to be placed should be excavated at the expense of the developer. This would include, inter alia, analyses such as radio-carbon dating, pottery, faunal and floral analysis, and if any human remains is recovered, human skeletal analysis. Eskom / Stefanutti Stocks Power could thus contribute to scientific research into the history of South Africa and set a good example for other similar companies.

OR

- The representative from SAHRA should be invited to inspect the site. The officer would then decide the future of the site, which could be any of the following: the site should be totally avoided and any development could be prohibited; a repair order could be issued for damage already done and or the responsible party would be fined for trespassing; a destruction permit could be allocated.

The history of the site should still be remembered in the oral history of the descendants. It is therefore advised that a social consultation process be initiated in order for this history to be recorded to enable the identification of the original occupants.

### PROGRESS REPORT 04 - APRIL 17, 2012

The present access road should be avoided to prevent any further damage to the LIA stone walling.

- It is advised that the archaeologist should indicate the entrance and access to the towers and that these should be clearly demarcated prior to excavation or construction activities. The archaeologist should at least **be present** when the foundations are excavated. Should any archaeological finds be made during the process, work will discontinue until the investigation has been completed.

### ACTION TAKEN

- The archaeologist was present when the position of the tower was relocated outside the sensitive area.
- The archaeologist was not informed whether work had already started on the tower, but was not consulted up to date regarding the access point.

- The old access route is still being used. This is not acceptable. The present access road should be avoided to prevent any further damage to the Late Iron Age stone walling. *Immediate rectification is necessary regarding the access route, which should be closed off and rerouted.*



**Figure 12.** *The access road which had been utilised for the existing power line crosses foundations of walls of this LIA settlement at least three times.*

## TOWER 192

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### PROGRESS REPORT 05 - MAY 10, 2012

Neither of these structures will be affected by the construction or traffic concerned with the transmission line. However, precautions should be taken not to damage it. Demarcate if necessary.



**Figures 13 & 14.** *The historical remains of stone walled sites.*

## TOWER 193

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### PROGRESS REPORT 05 - MAY 10, 2012



**Figure 15.** Trench. No action is required.



**Figure 16.** Stone structure in vicinity. No action is necessary. The site will not be impacted upon, but care should be taken not to damage it. If necessary, demarcate.

## TOWER 198

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### PROGRESS REPORT 05 - MAY 10, 2012



**Figure 17.** Small brick structure (tank/generator). Demarcate during construction and protect from future traffic.



**Figures 18 & 19.** Aloes on grey soil & tower. Should any archaeological finds be detected while work on the foundations are conducted, the archaeologist should be notified immediately. It is possible that human remains could be present.



**Figure 20.** Homestead, farm workers. These structures will not be affected by the towers or transmission line but was reconnoitred for it has historical relevance and is close to the activities. Avoid all traffic. If necessary, demarcate.



**Figure 21.** Goldfields marker. This marker is not in the way of construction traffic. Should the route change, demarcate and avoid.



**Figures 22, 23 & 24.** Reservoir, drinking trough, etc. The reservoir and accompanying structures are close to the transmission line and could be endangered by the activities and traffic related to the transmission line. Avoid and demarcate a clear access route. Demarcate the three depressions for they are a great risk.



## TOWER 204

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### PRELIMINARY REPORT & PROGRESS REPORT 01 - MARCH 20 & 29

March 20, 2012

It is advised that this feature should be clearly demarcated for the duration of the tower construction in order for it to be avoided. At present it might seem not be of any great cultural value in the absence of more information. It is clear, however, that the feature was intentionally built and without doubt had relevance to some action that took place in the past.



**Figure 25.** *The stone and cement beacon.*

**March 29, 2012**

The beacon is safe due to its location next to the well marked access road to Tower 204. It is, however, advised not to remove or damage it (or any of the other and similar beacons) in any way.

## TOWER 206

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### PROGRESS REPORT 01 – MARCH 29, 2012



**Figure 26.** *This feature could be linked to a similar feature in the vicinity of Tower 204, and should be treated likewise.*

It is recommended that it should be clearly demarcated for the duration of the tower construction in order for it to be avoided and should not be removed or damaged in any way.



## Progress report 02 – April 3, 2012

**Figure 27.** *The extent of these sites could not be clearly established due to the thick vegetation. It is possible that the structures are part of a single complex or that they are separate units, which could indicate historical occupation, e.g homesteads of farm workers.*

All structures older than 60 years are protected by the law, as stipulated in the National Heritage Act (No 25, 1999).

## RECOMMENDATIONS

It is recommended that either of the following actions should be taken:

- a. These sites should be cleared of vegetation well in advance of excavation for the foundations for Tower 206, to enable identification, and if necessary, to implement a **Phase II** (excavation) archaeological operation, particularly in the region of the tower. It is possible that graves could be located in the immediate surroundings of these stone walls.
- b. Another viable option would be to relocate the position of the tower so as not to endanger these sites. If the transmission lines still cross the site, it should be clearly and permanently demarcated to prevent any future damage to the site, and an access road delineated for line/tower inspection.
- c. Application for a destruction permit should be obtained from SAHRA (the South African Heritage Resources Agency).

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## RECOMMENDATIONS FOR IMMEDIATE ACTION TO BE TAKEN FOR ALL IDENTIFIED ARCHAEOLOGICAL SITES, IN PARTICULAR TOWER 205

- The National Heritage Resources Act (Act 25 of 1999) should be viewed in a serious light. Breaching of the law has already occurred. All workers concerned with assembly, construction, stringing, delivery and transport should be made aware of the seriousness of this situation.
- Where archaeological sites had been identified which will be affected in ANY MANNER whatsoever by ANY ACTIVITIES concerned with the transmission line, the responsible person on site should be handed a written statement to ensure that he/she has it available at all times. It is recommended that the prohibition of any damaging action pertaining to these sites should be included in the induction, thereby impressing the importance of these sites and their preservation on workers as well as visitors.



- The archaeologist should receive a weekly schedule in order to know when work in the sensitive areas commences in order to be present.
- Immediate steps should be taken to safeguard the graves at Tower 205 before work commences. This would include the permanent demarcation of the cemetery with standard fencing materials (corner posts, wire and droppers, at least 1,2 m high with “No Access” signs fixed onto the wire).
- The access road and parking should be clearly indicated with permanent sign boards. The area used for parking was among graves, and this area should be out of bounds.



**Figure 28.** An approximation of the permanent demarcation necessary for the cemetery.

**Hester Roodt**

*BA Hons Archaeology - UP; BA Hons Anatomy – UP*

## Attachment 01

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This attachment contains excerpts from the previous reports where the National Heritage Resources Act 25 of 1999 is quoted. Although it is of relevance to all archaeological features, these excerpts specifically refers to the cemetery at Tower 205.

### PRELIMINARY REPORT, MARCH 20, 2012

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The National Heritage Resources Act 25 of 1999 stipulates the following (emboldened text has relevance):

#### **36 Burial grounds and graves**

(3) (a) No person may, without a permit issued by SAHRA or a provincial heritage resources authority-

(a) **destroy, damage, alter, exhume or remove** from its original position or otherwise disturb the grave of a victim of conflict, or **any burial ground** or part thereof which contains such graves;

(b) **destroy, damage, alter, exhume, remove** from its original position or otherwise disturb any grave or burial ground **older than 60 years which is situated outside a formal cemetery** administered by a local authority; or

(c) **bring onto or use** at a burial ground or grave referred to in paragraph (a) or (b) **any excavation equipment**, or any equipment which assists in the detection or recovery of metals.

(4) SAHRA or a provincial heritage resources authority may not issue a permit for the destruction or damage of any burial ground or grave referred to in subsection (3) (a) unless it is satisfied that the applicant has made **satisfactory arrangements for the exhumation and re-interment of the contents of such graves**, at the **cost of the applicant** and in accordance with any regulations made by the responsible heritage resources authority.

and it further states that ...

(6) Subject to the provision of any other law, any person who **in the course of development** or any other activity **discovers the location of a grave**, the existence of which was **previously unknown**, must **immediately cease such activity** and report the discovery to the **responsible heritage resources authority** which must, in co-operation with the South African Police Service and in accordance with regulations of the responsible heritage resources authority-

(a) carry out an investigation for the purpose of obtaining information on whether or not such grave is protected in terms of this Act or is of significance to any community; and

(b) if such grave is protected or is of significance, assist any person who or community which is a direct descendant to make arrangements for the exhumation and re-interment of the contents of such grave or, in the absence of such person or community, **make any such arrangements as it deems fit**.

From the above statement it is clear that human remains have a high significance, usually at local level.

## Recommendation

In agreement with the Act these features should:-

- be left in place;
- be isolated by demarcating a 20 m buffer zone around it, starting from the outermost graves that can be located. Standard fencing material should be used to permanently remain in place; and
- heavy excavation equipment must be removed from the site.

This means that the position of Tower 205 will have to be moved to a position outside the demarcated area.

- Alternatively, the graves that will be affected (where the tower needs to be positioned as well as the graves in the approach of the excavation and construction equipment), will have to be exhumed and re-interred elsewhere within the confines of the present burial grounds. **Comment:** *It was decided, on advice from an Eskom representative, that these graves would not be exhumed but demarcated for the period of construction activities.*
- It is further advised that an archaeologist be present when the area is demarcated and during the construction of the tower, should more cultural remains be uncovered and to prevent accidental damage to it.
- Reconnaissance of the immediate area should also be undertaken in an attempt to contextualise the burials.

## PROGRESS REPORT 01, MARCH 29, 2010

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(p8) Another location was mitigated for the tower, which was moved to approximately a metre from another grave with the agreement that **the archaeologist had to be in attendance throughout the duration of the tower's excavation and erection.**

(p15) The construction of Tower 205 had been initiated. Since this is a very sensitive site, being a cemetery, it is protected in terms of the The National Heritage Resources Act 25 of 1999 (See **Appendix B**) and it is recommended that:

- All graves should be left intact and not be disturbed in any way, at any time;
- an entrance road to the tower should be clearly marked;
- it should be permanently isolated by demarcating a buffer zone of at least 10 metre around it, starting from the outermost graves that can be located. Standard fencing material should be used to permanently remain in place; and
- no ground clearing machinery or vehicle traffic is to be allowed onto the site at any time.

- It is further advised that an archaeologist be present when the area is demarcated and during the construction of the tower, should more cultural remains be uncovered to prevent accidental damage of it;
- Reconnaissance of the immediate area should also be undertaken in an attempt to contextualise the burials.

## PROGRESS REPORT 02, APRIL 3, 2012

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### (p8) RECOMMENDATIONS

#### 1. Cemetery

- a. Since vehicle traffic is a real threat to the cemetery, it is strongly advised that permanent demarcation of this area should receive urgent attention. According to The National Heritage Resources Act 25 of 1999, **some infringement of this law has already taken place:**

#### 36. Burial grounds and graves

**(3) (a)** No person may, without a permit issued by SAHRA or a provincial heritage resources authority-

**(a)** destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of conflict, or any burial ground or part thereof which contains such graves;

**(b)** destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or

**(c)** bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.

**(6)** Subject to the provision of any other law, any person who in the course of development<sup>1</sup> or any other activity discovers the location of a grave, the existence of which was previously unknown, must immediately cease such activity and report the discovery to the responsible heritage resources authority which must, in co-operation with the South African Police Service and in accordance with regulations of the responsible heritage resources authority-

**(a)** carry out an investigation for the purpose of obtaining information on whether or not such grave is protected in terms of this Act or is of significance to any community; and

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<sup>1</sup> NHR Act (No 25, 1999) defines “development” as any physical intervention, excavation or action, other than those caused by natural forces, which may in the opinion of a heritage authority in any way result in a change to the nature, appearance or physical nature of a place, or influence its stability and future well-being, including –

- (a) Construction, alteration, demolition, removal or change of use of a place or a structure at a place;
- (b) Carrying out any works on or over or under a place;
- (c) Subdivision or consolidation of land comprising, a place, including the structures or airspace of a place;
- (d) Constructing or putting up for display signs or hoardings;
- (e) Any change to the natural or existing condition or topography of land; and
- (f) Any removal or destruction of trees, or removal of vegetation or topsoil.

(b) if such grave is protected or is of significance, assist any person who or community which is a direct descendant to make arrangements for the exhumation and re-interment of the contents of such grave or, in the absence of such person or community, make any such arrangements as it deems fit.

- b. Stefanutti Stocks Power has accidentally discovered the cemetery, had immediately ceased work on the site and reported it to the archaeologist. The grave was closed, and they have taken all measures possible under these circumstances to avoid any further damage to the site. However, it should be stressed once again that archaeological sites (such as in the case of Tower 205) should preferably be avoided and/or repaired to indemnify them from being penalised:

#### 45. Compulsory repair order

(1) When the heritage resources authority responsible for the protection of a heritage site considers that such site –

(a) has been allowed to fall into disrepair for the purpose of –

(i) effecting or enabling its destruction or demolition;

(ii) enabling the development of the designated land; or

(iii) enabling the development of any land adjoining the designated land; or

(b) is neglected to such an extent that it will lose its potential for conservation, the heritage resources authority may serve on the owner an order to repair or maintain such site, to the satisfaction of the heritage resources authority, within a reasonable period of time as specified in the order: Provided that the heritage resources authority must specify only such work as, in its opinion, is necessary to prevent any further deterioration in the condition of the place.

(2) Subject to subsection (3), upon failure of the owner to comply with the terms of an order under subsection (1) within the specified time, the authority which served the order may itself take such steps as may be necessary for the repair or maintenance thereof and recover the costs from the owner.

(3) If the owner can show good cause, he or she may, within 21 days of the service of a repair order under subsection (1) –

(a) apply to the heritage resources authority which served the repair order for the extension of the time specified in the order; or

(b) appeal to the Minister, in the manner prescribed under section 49.

## PROGRESS REPORT 04, APRIL 11, 2012

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(p2) The shuttering had been completed and the foundations were cast on Friday, April 13. There was no vehicular damage to the graves, but it is recommended to permanently demarcate the area before construction of the tower commences:

- A permanent marker should be erected at the **entrance** to the access road.
- The present **access road** should be delineated and maintained for purposes of construction and future inspection. The graves in the immediate area of the access road and the current parking area should be protected. As a permanent measure, wire fencing materials should be used, however, it has to be maintained and is prone to theft.
- The **tower** and the sensitive area underneath the **power lines** should be demarcated. For the duration of the excavation process, the graves were

temporarily indicated with yellow markers. These, however, tend to fall over and are removed from site.

- It would be preferable if the entire **cemetery** area could be demarcated with permanent fencing. There are possibly many more graves. The cluster effect is due to the identification and isolation of these features where preconstruction activities and debushing demanded heavy traffic. The apparent line formed by the graves (in the lower half of the image below) is the result of walking the line towards Tower 206. If the area is to be fenced, access for inspection purposes would be a problem.
- Workers should be made aware that the **area** is sensitive. No vehicular traffic should be allowed on these graves.

## Attachment 02

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**Subject:** RE: Heritage Sites - Tabor-Witkop Transmission Line, Limpopo

Good day Thaven

From our meeting held on the 19<sup>th</sup> April 2012, we discussed and have reached an agreement to build cover boxes to place over the graves in the vicinity of the foot print where we intend to work at tower 205.

I have discussed this innovation with the Archaeologist Hester Roodt, who has approved of the methodology to work across the area without potential damage to the graves.

Please note that we will construct the boxes internally for R635.00 each including materials and labour. The estimated quantity as identified on site, is plus minus 30, to place over these graves.

Please note that we will be able to reuse the same boxes at other sites.

Your approval to proceed is required before assembly of towers can take place.

Regards  
**Peter D'Oliveira**  
**Project Manager**