



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

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SAHRA File No: **9/2/055/0002**  
Date Received: **07 December 2010**.....  
Date of Comment: **22 December 2010**.....  
Sent to Peer Review: .....  
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SAHRA Contact Person: **Dr Mariagrazia Galimberti**  
DEA Ref No: **12/12/20/1858**  
**12/12/20/1860**

## 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: **Northern Cape**.....
- B. AUTHOR(S) OF REPORT: **Mr David Morris**
- C. ARCHAEOLOGY CONTRACT GROUP: **McGregor Museum, Kimberley**
- D. CONTACT DETAILS: **PO Box 316, Kimberley, 8300. Tel: 082 2224777, Email: mmkarchaeology@yahoo.co.uk**
- E. DATE OF REPORT: **November 2010**
- F. TITLE OF REPORT: **Specialist Input for the Environmental Impact Assessment Phase and Environmental Management Plan for the proposed Kathu-Sishen Solar Energy Facilities, Northern Cape Province**
- G. Please circle as relevant: Archaeological component of **EIA** / EMP / HIA / CMP/ Other (Specify) DSR.....
- H. REPORT COMMISSIONED BY (CONSULTANT OR DEVELOPER): **Savannah Environmental**
- I. CONTACT DETAILS: **Ms Tammy Kruger, PO Box 148, Sunnninghill, 2157. Tel: 011 234 6621, email: tammy@savannahsa.co.za**
- J. COMMENTS: .....
- Please see comment on next page*.....

## **REVIEW COMMENT ON HERITAGE IMPACT ASSESSMENT**

**David Morris**

**Dated: November 2010, Received: December 2010**

### **Specialist Input for the Environmental Impact Assessment Phase and Environmental Management Plan for the proposed Kathu-Sishen Solar Energy Facilities, Northern Cape Province**

#### **INTRODUCTION**

Two different commercial solar electricity generating facilities with related infrastructures are planned in the Northern Cape by Renewable Energy Investments South Africa (Pty) and VentusSA Energy (Pty), respectively on two adjacent properties 16 km SE of Kathu and 23 km SE of Sishen.

SavannahSA Environmental is responsible for the Environmental Impact Assessment for this project and Mr David Morris was commissioned the Archaeological Impact Assessment, which also includes a brief discussion on Built Environment. A Scoping Report for the Draft Scoping Report was also undertaken. A Palaeontological Impact Assessment is not included in the draft EIA and therefore it still needs to be undertaken or sent to SAHRA. SAHRA will not be able to send a final comment until the PIA is received.

On the footprint of the development few scatter stone tools were identified along three relative small pans. The author is requesting a Phase II AIA for the pans as they could represent more significant sites such as Kathu Pan and Kathu "Townlands".

Two older farm sites are also present on site, only one of them is within the footprint of the development. 150 m away from this is located a set of three unmarked graves, which, according to the local community, belong to the grandfather of one of them, who died in the 1960s. Another set of two graves was also identified closed to the homestead outside the development, these graves date to 1842 and 1851.

#### **SAHRA RECOMMENDATIONS**

SAHRA supports the recommendations of the author and requires that:

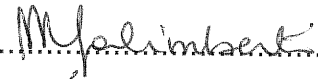
- The fence around the graves and the graves should be restored where these are dilapidated, protected and conserved in perpetuity. The fence must include entry gates to allow visits from relatives and family friends. The fence must be placed 5 meters away from the perimeter of the graves. No development 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).
- Mitigation in the form of systematic excavation and sampling must be undertaken over the three dolines before trenching and any other earth-moving activity resulting from this proposed project. A photographic record must be established immediately before, during and after mitigation. The archaeologist will require a mitigation permit from SAHRA in terms of s. 35 of the National Heritage Resources Act (Act 25 of 1999). On receipt of a satisfactory mitigation (Phase 2) permit report from the archaeologist, SAHRA will make further recommendations in terms of the report such as its final destruction or additional sampling.
- Higher density of identified stone tools should be recorded and plot on a map.
- SAHRA will provide comments on the Palaeontological Impact Assessment for this project once it is received. Until then, SAHRA's comments on this project are not final.

## CONCLUSION

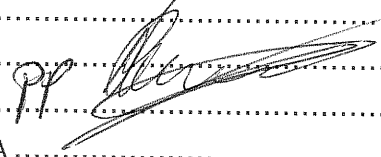
If the recommendations made in the specialist report and in this comment are adhered to, the SAHRA Archaeology, Palaeontology and Meteorite Unit has no objection to the development (in terms of the archaeological component of the heritage resources). If any new evidence of archaeological sites or artefacts, graves or other heritage resources are found during development, construction or mining, SAHRA and a professional archaeologist must be alerted immediately.

A Palaeontological Impact Assessment must be submitted to SAHRA for comments.

Decisions on Built Environment (e.g. structures over 60 years) and Cultural Landscapes and associated Living Heritage (e.g. sacred sites) must be made by the Provincial Heritage Resources Authority of the Northern Cape (Mr. Joas Sinthumule [jsinthumule@ncpg.gov.za](mailto:jsinthumule@ncpg.gov.za)) to whom this Archaeological Review Comment will be sent.

SIGNATURE OF ARCHAEOLOGIST PROCESSING REPORT: .....  .....

EMAIL: [mgalimberti@sahra.org.za](mailto:mgalimberti@sahra.org.za) .....

SIGNATURE OF SAHRA HEAD ARCHAEOLOGIST: .....  .....

EMAIL: [nndobochani@sahra.org.za](mailto: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. 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 at least 2 m is left undisturbed between the grave and the fence around the graves and another 15 m between the fence of the grave and the development.
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), 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.