

**A LETTER OF RECOMMENDATION (WITH CONDITIONS) FOR THE EXEMPTION OF A FULL PHASE 1 ARCHAEOLOGICAL IMPACT ASSESSMENT FOR THE PROPOSED CLEARING OF 38,8 HECTARES OF INDIGENOUS VEGETATION FOR THE ESTABLISHMENT OF CITRUS ORCHARDS AND THE CONSTRUCTION OF OTHER INFRASTRUCTURE ON PORTION 2 OF THE FARM KEURKLOOF NO. 56 NEAR PATENSIE IN THE KOUGA LOCAL MUNICIPALITY OF THE EASTERN CAPE PROVINCE**

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## **PROJECT INFORMATION**

The proposed development will include the clearing of 33,8 hectares of indigenous vegetation for the establishment of citrus orchards, a pipeline (approximately 550 metres in length) and the construction of a dam (3900 square metres) for irrigational purposes.

### **Proponent**

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### **Purpose of the study**

The original proposal was to conduct a Phase 1 Archaeological Impact Assessment (AIA) for the proposed clearing of 33,8 hectares of indigenous vegetation for the establishment of citrus orchards, service roads, a pipeline and the construction of a dam on Portion 2 of the farm Keurkloof No. 56 near Patensie in the Kouga Local Municipality of the Eastern Cape Province, to establish;

- the range and importance of possible exposed and *in situ* archaeological sites, features and materials,
- the potential impact of the development on these resources and,
- to make recommendations to minimize possible damage to these resources.

### **Site and location**

The site for the proposed clearing of 33,8 hectares of indigenous vegetation for agricultural use is located within the 1:50 000 topographic reference map 3424DB Cockscomb (see Map 1). It is situated on Portion 2 of the farm Keurkloof No. 56 approximately 2 kilometres north of Patensie in the Kouga Local Municipality of the Eastern Cape Province (see Maps 1-3). The development will take place on top of a ridge and along a valley with a gentle gradient from southeast to northwest and on the southern and northern facing slopes towards the eastern side of the property. It would appear if the valley area has been cleared of vegetation in the past and is covered by short grass. Both valley slopes are covered by dense thicket vegetation (see Figure 1). The dam will be constructed on a high area of the ridge. The water pipeline will run from an existing extraction point at the northwestern boundary of the development over a distance of approximately 550 metres in a southeasterly direction to the dam (see Maps 1-3). A general GPS readings was taken at 33.44.454S; 24.49.565E.

## **ARCHAEOLOGICAL INVESTIGATION**

### **Methodology and results**

The landowner was contacted prior to the investigation to inform him about the visit and to gain access to the property. During the field study he pointed out the proposed area for development

and he was also consulted about possible locations of archaeological remains, graves and historical buildings and features. It was not possible to do a complete survey of the large property due to the dense thicket vegetation in places. Areas that have been cleared in the past or disturbed by farming activities are also covered by short grass and shrubs (see Figure 1). The investigation was conducted on foot and from a vehicle by an archaeologist. A Google Earth aerial image investigation and a literary search were also conducted of the area prior to the survey. GPS readings were taken with a Garmin and all important features were digitally recorded. The archaeological visibility was good in the open areas, but poor in areas covered by dense thicket vegetation.

No archaeological sites/materials were observed. Although archaeological sites/materials may be covered by soil and vegetation, it would appear unlikely that remains will be exposed during development. There are no known graves or buildings older than 60 years on the property. Consultation was conducted with the local Gamtkwa KhoiSan Council regarding the archaeological heritage of the area as required by the National Heritage Resources Act No. 25 of 1999, Section 38(3e).

## **DISCUSSION AND CONDITIONS**

Although it is unlikely that archaeological remains will be found *in situ*, there is always a possibility that human remains and/or other archaeological and historical material may be uncovered during the development. Should such material be exposed then work must cease in the immediate area of the finds and it must be reported to the Albany Museum (046 622 2312) or to the Eastern Cape Provincial Heritage Resources Authority (043 642 2811), so that a systematic and professional investigation can be undertaken. Sufficient time should be allowed to remove/collect such material (See Appendix B for a list of possible archaeological sites that may be found in the area).

## **LETTER OF RECOMMENDATION**

It is recommended that the proposed clearing of 33,8 hectares of indigenous vegetation for the establishment of citrus orchards, service roads, a pipeline and the construction of a dam on Portion 2 of the farm Keurkloof No. 56 near Patensie in the Kouga Local Municipality of the Eastern Cape Province is exempted from a full Phase 1 Archaeological Heritage Impact Assessment. The proposed area for development appears to be of low cultural sensitivity and it is unlikely that any significant archaeological heritage remains will be found on the property. The proposed development may proceed as planned.

Note: This letter of recommendation only exempts the proposed development from a full Phase 1 Archaeological Heritage Impact Assessment, but not for other heritage impact assessments.

It must also be clear that this letter of recommendation for exemption of a full Phase 1 archaeological heritage impact assessment will be assessed by the relevant heritage resources authority. The final decision rests with the heritage resources authority, which should give a permit or a formal letter of permission for the destruction of any cultural sites.

The National Heritage Resources Act (Act No. 25 of 1999, section 35) (see Appendix A) requires a full Heritage Impact Assessment (HIA) in order that all heritage resources, that is, all places or objects of aesthetics, architectural, historic, scientific, social, spiritual linguistic or technological value or significance are protected. Thus any assessment should make provision for the protection of all these heritage components, including archaeology, shipwrecks, battlefields, graves, and structures older than 60 years, living heritage, historical settlements, landscapes, geological sites, palaeontological sites and objects.



**Figure 1. General views of the area proposed for development on Portion 2 of the farm Keurkloof No. 56, the dam site on top of the ridge (bottom left insert) and the pipeline route following the track to the right (bottom left insert).**

## GENERAL REMARKS AND CONDITIONS

It must be emphasized that this letter of recommendation for exemption of a full Phase 1 archaeological heritage impact assessment is based on the visibility of archaeological sites/material and may not therefore, reflect the true state of affairs. Sites and material may be covered by soil and vegetation and will only be located once this has been removed. In the unlikely event of such finds being uncovered, (during any phase of construction work), it must be reported to the archaeologist at the Albany Museum (046 622 2312) or to the Eastern Cape Provincial Heritage Resources Authority (043 642 2811) immediately. The developer must finance the costs should additional studies be required as outlined above. The *onus* is also on the developer to ensure that this agreement is honoured in accordance with the National Heritage Act No. 25 of 1999. The consultant is responsible to forward this report to the relevant Heritage Authority for assessment, unless alternative arrangements have been made with the specialist to submit the report.

### APPENDIX A: brief legislative requirements

Parts of sections 35(4), 36(3) and 38(1) (8) of the National Heritage Resources Act 25 of 1999 apply:

#### *Archaeology, palaeontology and meteorites*

35 (4) *No person may, without a permit issued by the responsible heritage resources authority—*

- (a) *destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or palaeontological site or any meteorite;*
- (b) *destroy, damage, excavate, remove from its original position, collect or own any archaeological or palaeontological material or object or any meteorite;*
- (d) *bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assist in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.*

#### *Burial grounds and graves*

36. (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.*

#### *Heritage resources management*

38. (1) *Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorized as –*

- (a) *the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;*
- (b) *the construction of a bridge or similar structure exceeding 50m in length;*
- (c) *any development or other activity which will change the character of the site –*
  - (i) *exceeding 5000m<sup>2</sup> in extent, or*

- (ii) involving three or more erven or subdivisions thereof; or*
- (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or*
- (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA, or a provincial resources authority;*
- (d) the re-zoning of a site exceeding 10 000m<sup>2</sup> in extent; or*
- (e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority, must as the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.*

## **APPENDIX A: IDENTIFICATION OF ARCHAEOLOGICAL FEATURES AND MATERIAL FROM INLAND AREAS: guidelines and procedures for developers**

### **Human Skeletal material**

Human remains, whether the complete remains of an individual buried during the past, or scattered human remains resulting from disturbance of the grave, should be reported. In general, human remains are buried in a flexed position on their side, but are also found buried in a sitting position with a flat stone capping. Developers are requested to be on alert for the possibility of uncovering such remains.

### **Freshwater mussel middens**

Freshwater mussels are found in the muddy banks of rivers and streams and were collected by people in the past as a food resource. Freshwater mussel shell middens are accumulations of mussel shell and are usually found close to rivers and streams. These shell middens frequently contain stone tools, pottery, bone, and occasionally human remains. Shell middens may be of various sizes and depths, but an accumulation which exceeds 1 m<sup>2</sup> in extent, should be reported to an archaeologist.

### **Large stone cairns**

They come in different forms and sizes, but are easy to identify. The most common are roughly circular stone walls (mostly collapsed) and may represent stock enclosures, remains of wind breaks or cooking shelters. Others consist of large piles of stones of different sizes and heights and are known as *isisivane*. They are usually near river and mountain crossings. Their purpose and meaning are not fully understood however, some are thought to represent burial cairns while others may have symbolic value.

### **Stone artefacts**

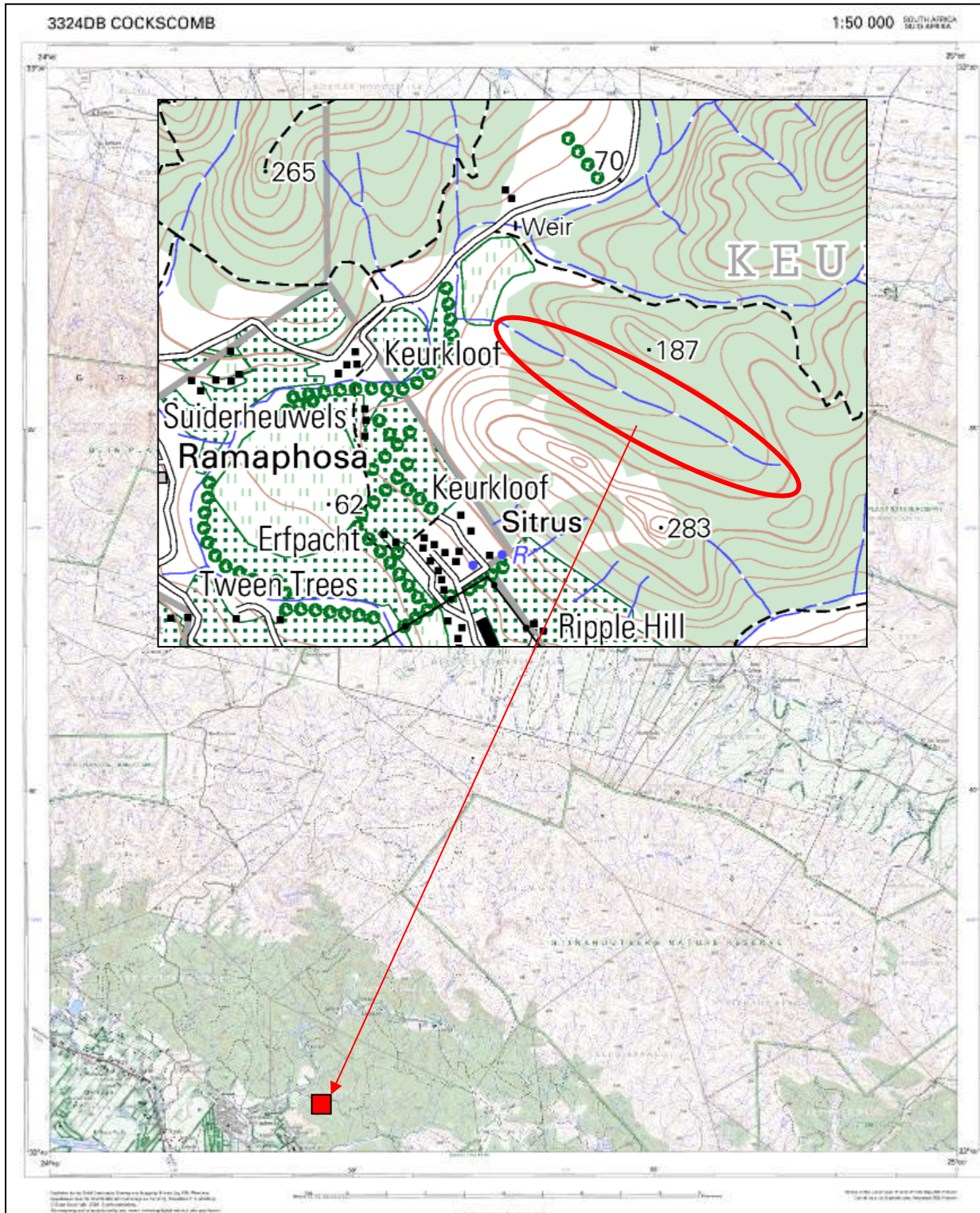
These are difficult for the layman to identify. However, large accumulations of flaked stones which do not appear to have been distributed naturally should be reported. If the stone tools are associated with bone remains, development should be halted immediately and archaeologists notified.

### **Fossil bone**

Fossil bones may be found embedded in geological deposits. Any concentrations of bones, whether fossilized or not, should be reported.

### **Historical artefacts or features**

These are easy to identify and include foundations of buildings or other construction features and items from domestic and military activities.



**Map 1. 1:50 000 Topographic maps indicating the approximate location of the proposed development on Portion 2 of the farm Keurkloof No. 56, marked by the red square and oval.**





**Map 2. Aerial images of the location of the proposed development on Portion 2 of the farm Keurkloof No. 56 outlined by the yellow lines (images courtesy Habitat Link Consulting).**





**Map 3. The layout of the development on Portion 2 of the farm Keurkloof No. 56 (images courtesy Habitat Link Consulting).**