

SG 2.2 SAHRA APM Guidelines: Minimum Standards for the Archaeological & Palaeontological Components of Impact Assessment Reports

heritage authority for assessment. Ultimately reports are required by SAHRA for the national heritage library.

Appendix 3.3. SAHRA APM Unit. 2009a.



08 SEP 2009

**SOUTH AFRICAN HERITAGE
RESOURCES AGENCY**

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DATE: 21 August 2009
ENQUIRIES: Dr. A. Jerardino
Archaeology, Palaeontology and Meteorite Unit
E-mail: ajerardino@sahra.org.za
Web site: www.sahra.org.za

OUR REF: 9/2/503/0001

Mr. Fuad Fredericks
CCA Environmental (Pty)
Unit 35 Roeland Square
30 Drury Lane
Cape Town
8001

Dear Mr. Fredericks,

**ARCHAEOLOGICAL & PALAEOONTOLOGICAL REVIEW COMMENT: PROPOSED N2
WILD COAST TOLL HIGHWAY, EASTERN CAPE**

Please find attached our Archaeological & Palaeontological Review Comment in response to Mr. L. Van Schalkwyk's Heritage Impact Assessment report entitled "*Heritage Impact Assessment of the proposed N2 Wild Coast Toll Highway*" and dated 08 April 2008.

We have copied this ARC to our SAHRA office in the Eastern Cape and to the Eastern Cape Provincial Heritage Resources Authority.

Very many thanks for your co-operation.

Yours sincerely

pp Mary Leslie
SAHRA: Archaeology, Palaeontology and Meteorite Unit
For: CHIEF EXECUTIVE OFFICER

Copies: SAHRA Eastern Cape
Eastern Cape PHRA



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

FOR OFFICIAL USE ONLY:

SAHRA File No: 9/2/503/0001

Date Received: 04 August 2009

Date of Comment: 21 August 2009

Sent to Peer Review:

Date to Peer Review:

SAHRA Contact Person: Antonieta Jerardino

DME Ref No: N/A

REVIEW COMMENT ON HERITAGE IMPACT ASSESSMENT

BY ARCHAEOLOGY/ PALAEOLOGY 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: SAHRA Regional Offices – Eastern Cape..
- B. SAHRA PROVINCIAL MANAGER EASTERN CAPE PROVINCE: *Mr. Thanduxolo Lungile*.....
- C. AUTHOR(S) OF REPORT: *Mr. Len van Schalkwyk*
- D. ARCHAEOLOGY CONTRACT GROUP: *eThembeni Cultural Heritage*
- E. CONTACT DETAILS: *Box 20057, Ashburton 3213, Pietermaritzburg, Tel: 033-326 1136, Fax: 086 672 8557, cell: 082 655 9077/ 072 725 1763, email: thembeni@iafrica.com*.....
- F. DATE OF REPORT: *08 April 2008*
- G. TITLE OF REPORT: *Heritage Impact Assessment of the proposed N2 Wild Coast Toll Highway*.....
Please circle as relevant: Archaeological component of **EIA** / EMP / HIA / CMP Other (Specify)
- H. REPORT COMMISSIONED BY DEVELOPER (MINING APPLICANT): *CCA Environemntal (Pty) Ltd, contact person: Mr. Fuad Fredericks, on behalf of The South African National Roads Agency Ltd*
- I. CONTACT DETAILS: *CCA Environemntal (Pty) Ltd, Unit 35 Roeland Square, 30 Drury Lane, Cape Town, 8001, Tel: Tel: (021) 461 1118, Fax: (021) 461 1120, e-mail: fuad@ccaenvironmental.co.za*
- J. COMMENTS:

Please see comment on next page.....

REVIEW COMMENT ON ARCHAEOLOGICAL IMPACT ASSESSMENT***Heritage Impact Assessment of the proposed N2 Wild Coast Toll Highway****eThembeni Cultural Heritage (Mr. Len van Schalkwyk)**08 April 2008, received 04 August 2009***A. INTRODUCTION**

The proposed development involves the construction of the approximately 560 km N2 Wild Coast Toll Highway between the N2 Gonubie Interchange near East London and the N2 Isipingo Interchange south of Durban. The following undertakings form part of the proposed project: i) upgrade and widening (from a 30 m to an 80 m wide servitude) of existing road sections of the N2 and R61; ii) construction of approximately 90 km long new road across two greenfield sections; iii) construction of eight new major bridges; iv) upgrade and/or construction of new road interchanges and intersections; and v) construction of associated facilities (e.g., toll plazas, pedestrian over-passes and animal under-passes).

Dr. Johan Binneman prepared a heritage sensitivity report in 2002 exclusively for new road sections, namely those running through the greenfields. Such a report involved a foot survey through parts where ground visibility allowed such exercise. In terms of archaeological sites, this report was substantially relied upon by Mr. Van Schalkwyk when compiling the Heritage Impact Assessment (HIA). Also, a palaeontological desktop study was conducted by Dr. Billy de Klerk in 2002, although no reference to it was made in Mr. Van Schalkwyk's report. Nevertheless, this study determined that the area where this project is to take place is not palaeontologically sensitive (but see recommendations).

B. DISCUSSION

Final alignment along several stretches of the proposed N2 Wild Coast Toll Highway has yet to be finalized. Also, vegetation cover hampered much of both Dr. Binneman and Mr. Van Schalkwyk effort in locating possible archaeological heritage resources while conducting field inspections (the latter also noted by Prof. H. J. Deacon, peer reviewer of Mr. Van Schalkwyk's HIA report). Moreover, particular locations where bridges and toll plazas are to be built still need to be assessed in the field in terms of potential archaeological and possibly also palaeontological heritage resources. Hence, the magnitude of potential impacts on archaeological heritage resources resulting from this proposed project is still not fully understood at this stage.

C. SAHRA RECOMMENDATIONS

According to Mr. Van Schalkwyk's HIA and Dr. Binneman's sensitivity survey report, the proposed development could result in medium negative impacts, and at times high impacts, to archaeological heritage resources without mitigation. SAHRA Archaeology, Palaeontology & Meteorites (APM) Unit requires the following:

1. As soon as final road alignments are finalized and vegetation cover is removed for the commencement of building operations, a professional archaeologist familiar with the Archaeology of the Eastern Cape (Stone Age and Iron Age cultural sequences) must inspect each and every new location where bridges, toll plazas and a nearly 90 km long road through the greenfields will be built. Given the nature of this project and its urgency, a team of several such professional might be needed to work at the same time in order to avoid delays. Until such time as this Phase 1 Archaeological Impact Assessment (AIA) report resulting from this field survey is received by the Archaeology, Palaeontology & Meteorite (APM) Unit, and its contents assessed and commented on in the form of another ARC, SAHRA is not in a position to approve or reject this proposed project. Among other measures, Phase 2 mitigation in the form of systematic excavations

and sampling may be required before construction activities and a monitoring brief may be required during such activities.

2. If any evidence of archaeological sites or artefacts (e.g., concentrations of indigenous ceramics, bones, stone tools, ancient stone wall structures...etc), unmarked human burials, fossilized bones or other heritage resources are found during construction and related activities in the absence of a professional archaeologist, SAHRA APM Unit (**Mary Leslie/ Antonieta Jerardino, tel: 021-4624502**) must be alerted immediately, and an accredited professional archaeologist must be contacted as soon as possible to inspect the findings. If the newly discovered heritage resources prove to be of archaeological significance a Phase 2 rescue operation might be necessary at the cost of the developer (see below for permit conditions).
3. In case of new archaeological/ palaeontological discoveries are made or the need for excavation and sampling arises, the specialist will require a mitigation permit from SAHRA APM Unit in terms of section 35 of the National Heritage Resources Act (NHRA, No. 25 of 1999). On receipt of a satisfactory mitigation (Phase 2) permit report from the archaeologist and/or palaeontologist, SAHRA APM Unit will make further recommendations in terms of the report.
4. For any possible decisions in terms of section 34 of the NHRA on the Built Environment, the Provincial Heritage Resources Authority of the Eastern Cape (info@ecphra.org.za) must be consulted. Decisions in terms of other heritage related matters (e.g., living/ intangible heritage) must be made by SAHRA Provincial Heritage office (**Mr. Thanduxolo Lungile: tlungile@ec.sahra.org.za, Ms Nolitha Ngcai: nngcai@ec.sahra.org.za**) in consultation with the Provincial Heritage Resources Authority of the Eastern Cape.
5. In terms of section 36 of the National Heritage Resources Act (NHRA) (No. 25 of 1999), graves older than 60 years (not in a municipal graveyard) are protected and may not be disturbed without a permit from SAHRA). Decisions in terms of section 36 of the NHRA in the Eastern Cape is the responsibility of SAHRA's Burial Grounds and Graves (BGG) Unit, and decision-making regarding these must be sought from this unit (**Mr. T. Phili, email: tphili@sat.sahra.org.za, and Ms Jennifer Kitto, email: jkitto@sat.sahra.org.za**) (see also Appendix 1).

SIGNATURE OF ARCHAEOLOGIST PROCESSING REPORT: 

EMAIL:

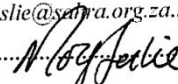
ajerardino@sahra.org.za.....

SIGNATURE OF SAHRA HEAD ARCHAEOLOGIST:

EMAIL:

mleslie@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 PRINCIPLE, 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.

Appendix 3.4. SAHRA APM Unit. 2009b.



SOUTH AFRICAN HERITAGE RESOURCES AGENCY

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DATE: 14 December 2009
ENQUIRIES: Mrs. Mary Leslie, Mr. Phillip Hine
Archaeology, Palaeontology and Meteorite Unit
E-mail: mleslie@sahra.org.za; phine@sahra.org.za
Web site: www.sahra.org.za
YOUR REF:
OUR REF: 9/2/503/0001 etc.

Mr. Fuad Fredericks
CCA Environmental Consultants
Unit 35 Roeland Sqaure
30 Drury Lane
Cape Town
8001

Mr. Ron Harmse
South African Road Agency
P.O. Box 415
Pretoria
0001

Dear Sir/Madam,

PROPOSED N2 WILD COAST TOLL HIGHWAY: FURTHER CLARIFICATION AND RECOMMENDATIONS.

The South African Heritage Resources Agency, Archaeology, Palaeontology and Meteorite (APM) Unit was contacted by Mr. Fuad Fredericks of CCA Environmental Consultants for clarification and further discussion regarding SAHRA's recommendations as set in the Archaeological Review Comment, dated 21/08/09. The APM recommended that:

"As soon as final road alignments are finalized and vegetation cover is removed for the commencement of building operations, a professional archaeologist familiar with the Archaeology of the Eastern Cape (Stone Age and Iron Age cultural sequences) must inspect each and every new location where bridges, toll plazas and a nearly 90 km long road through the greenfields will be built. Given the nature of this project and its urgency, a team of several such professionals might be needed to work at the same time in order to avoid delays. Until such time as (the) Phase 1 Archaeological Impact Assessment (AIA) report resulting from this field survey is received by the Archaeology, Palaeontology & Meteorite (APM) Unit, and its contents assessed and commented on in the form of another ARC, SAHRA is not in a position to approve or reject this proposed project. Among other measures, Phase 2 mitigation in the form of systematic excavations and sampling may be required before construction activities and a monitoring brief may be required during such activities."

On behalf of the South African National Roads Agency and CCA Environmental Consultants (hereafter referred to as SANRAL) SAHRA met with you to discuss this project at SAHRA, on Tuesday 10 November 2009. We wish to express our appreciation for the presentation on the project that was given by Mr Harmse and discussions that were held with him and Mr Frederick. SAHRA was represented by Mrs Mary Leslie and Mr Phillip Hine of the Archaeology, Palaeontology & Meteorite Unit and Ms Jennifer Kitto of the Burial Grounds and Graves Unit. We appreciate that you are concerned about the practical implications of the request made by SAHRA.

Thank you for your minutes of the meeting. The SAHRA APM and BGG Unit will forward their record of the meeting in early 2010.

SANRAL raised concerns about the implementation of the SAHRA requirements. SAHRA accepts that clearing will happen only on the sections that will become road and not necessarily on the entire road reserve (as this would be inappropriate for the environment). SAHRA also accepts that the clearing may happen piecemeal. SAHRA also understands that there have been concerns about possible negative effects of premature dispersal of information. However SAHRA cannot make decisions in the absence of full information about the heritage resources.

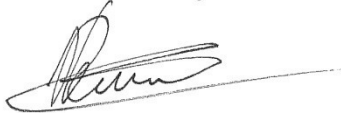
SAHRA's decision is as follows;

1. In terms of the Archaeology and Palaeontology SAHRA has, as agreed at the meeting consulted with both Dr Jerardino and Mr Len van Schalkwyk,
2. SAHRA APM Unit:
 - a. Confirms that arrangements must be made for a pre-survey as the road is cleared. In this SAHRA:
 - i. supports the recommendations of the heritage specialist for a pre-construction survey when the route alignments are finalised and vegetation clearing is happening;
 - ii. stands by the decision made in the SAHRA Archaeological Review Comment of 21/08/09 (appended);
 - iii. supports the advice of the peer review specialist Dr HJ Deacon (see full text in Letter of 12 March 2008 appended to the Van Schalkwyk report, *Title*, as Appendix J).
 - b. SANRAL is advised that it must consult with the Archaeologist in order to find a pragmatic solution to the implementation of the survey as clearing happens along on the road itself and in the areas of all associated service areas, dirt piles, borrow pits, etc.
 - c. The archaeologist must be empowered to indicate to SAHRA, for approval before the process takes place, exactly what programme of action will be followed.
3. In terms of the Palaeontology, a Palaeontologist must be asked, before the project commences, what monitoring etc may be needed for any road cuttings that were either highlighted as sensitive in the original report or not assessed in that report.
4. In terms of the Burial Grounds and Graves, SAHRA Burial Grounds and Graves unit (BGG) acknowledges receipt of the full documentation promised (to both the BGG and APM Units) regarding the burials grounds and graves. In light of this information, SAHRA BGG Unit;
 - a. Understands that the 16/17 graves that have been identified within the road reserve, are all proposed to be relocated whether they would be directly affected by the proposed construction of the road or not. We have no objection *in principle* to this, provided that the permit application process is followed (see below).
 - b. Notes that with regard to the proposed resettlement of communities affected by the construction of the road, it is highly likely that the communities would request that any graves associated with such communities be relocated to the new community location.

- c. Confirms that, in both of the above instances, a permit application will be required by SAHRA BGG Unit for the exhumation and relocation of any graves that are believed to be 60 years or older (this would include graves of unknown date). Please note that:
 - i. an archaeologist accredited to work with graves and burial grounds should be appointed to conduct the permit application and the relocation process (see attached ASAPA list);
 - ii. the permit application process requires a public consultation process of 60 days and the provision of evidence of consent of any next of kin;
 - iii. the permit application/s will be considered by a specialist SAHRA Permit Committee for a decision on whether the application/s can be approved or not.
- d. Supports the position of the APM unit regarding the requirement of a pre-construction survey (as set out above) to ensure that any previously overlooked graves are identified for relocation and protected from accidental damage during construction.

Please contact the relevant Unit of SAHRA should you have any queries.

Yours sincerely



pp. Mary Leslie

SAHRA: Archaeology, Palaeontology and Meteorite Unit
 And Jennifer Kitto: Burial Grounds and Graves Unit
 For: CHIEF EXECUTIVE OFFICER

Copy: SAHRA Eastern Cape Office
 PHRA Eastern Cape Office
 SAHRA BGG Unit

Appendix 3.5. SAHRA APM Unit. 2010a.



SOUTH AFRICAN HERITAGE RESOURCES AGENCY
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Mr Fuad Fredericks

CCA Environmental (Pty) Ltd
Unit 35, Roeland Square
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PO Box 10145, CALEDON SQUARE, 7905

Mr Ron Harmse

Project Manager
SANRAL
P O Box 415
PRETORIA
0001

Cape Town, 12th April 2010

Dear Mr Fredericks and Mr Harmse,

PROPOSED N2 WILD COAST TOLL HIGHWAY ENVIRONMENTAL IMPACT ASSESSMENT

Following the meeting SAHRA, SANRAL and CCA Environmental had on the 11th of March 2010, SAHRA reviewed all available project documentation.

As far as the "greenfield" sections are concerned, SAHRA trusts that the final alignment was already finalised when both Johann Binneman (2002) and Len Van Schalkwyk (2008) visited the 114.5 km of sections 4 to 6. (The 148 km of section 7 is responsibility of the council of Amafa aKwaZulu-Natali).

After carefully considering all documentations, SAHRA decided that:

- **A walk through and monitoring by a professional archaeologist, familiar with the cultural and historical sequence of the Eastern Cape, must be carried out during the land acquisition process preferably after vegetation clearing.**
- **Monitoring by a professional archaeologist must be carried out during ALL earth moving processes. Particularly sensitive archaeological areas had been previously identified by Dr Binneman in the valleys between the Mzimvubu and the Mntafufu Rivers and between the Mnyameni and the Mzamba Rivers. This does not imply though that other areas might not be as archaeologically important as those mentioned above, therefore monitoring must be pursued during ALL earth moving events.**
- **GPS coordinates of the final route must be made available to the professional archaeologist to clarify any possible doubts regarding the final alignment.**

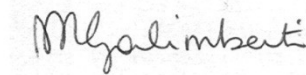
Regarding section 1-3 of the proposed project: not enough attention has been paid to these sections. Both the report by Binneman (2002) and that by eThembeni (2008) state that the road alignment had not yet been decided. Not enough information has been given about this 297 km section of the road. SAHRA is aware that the proposed N2 toll road does utilise existing road footprints, but as the alignment was not finalised, SAHRA cannot comment on this section of the road. Moreover, no detailed maps (1: 50 000) have been made available for section 1 to 3, therefore

- **an Archaeological Impact Assessment (AIA) is required along the finalised route on the section 1 to 3 from Gonubie Interchange to Ndwalane.**

SAHRA takes note that most construction works will take place within the existing road reserve, but widening of the road, construction of community access roads and over and underpasses might have an impact on heritage resources, which needs to be assessed.

As far as graves are concerned, the Burial Grounds and Graves Unit is responsible for them. As extensively stated in the Environmental Impact Assessment, it is evident that many graves could be affected during earth moving and construction along the entire road (sections 1-7). Around 16-17 graves have already been identified, but it is very likely that more will be encountered once the road alignment is finalised. As previously stated in the SAHRA letter of 12 November 2009, a permit application is required to relocate graves that are 60 years or older situated outside a formal cemetery or burial, which includes a 60-day public consultation process. The permit applications would be considered by the Archaeology, Palaeontology, Meteorites, Heritage Objects and Burials Permit Committee for a decision on whether the permit is approved or not. Furthermore, the BGG Unit supports the decisions of the Archaeology Palaeontology and Meteorite Unit as noted above and reiterates our previous comments regarding graves that are protected under the National Heritage Resources Act, no 25 of 1999 (see Appendix 1). Please note that the AIA requested by the APM unit for sections 1-3 of the finalised route should also be sent to the BGG Unit.

Yours sincerely



pp. Mary Leslie

SAHRA: Archaeology, Palaeontology and Meteorite Unit
For: CHIEF EXECUTIVE OFFICER

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 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), 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.

Appendix 3.6. SAHRA APM Unit. 2010b.



111 HARRINGTON STREET, CAPE TOWN, 8000
PO BOX 4637, CAPE TOWN, 8000
TEL: (021) 462 4602 FAX: (021) 462 4609

DATE: 15 July 2010
ENQUIRIES: Mariagrazia Galimberti
Archaeology, Palaeontology and Meteorite Unit
E-mail: mgalimberti@sahra.org.za
Web site: www.sahra.org.za

Our Ref. Number: 9/2/503/0001

Mr Fuad Fredericks
CCA Environmental (Pty) Ltd
PO Box 10145,
Caledon Square
Cape Town
7905

Mr Ron Harmse
Project Manager
SANRAL
P O Box 415
PRETORIA
0001

Dear Mr Fredericks and Mr Harmse,

Please find attached SAHRA's clarification in regard to your letter sent to SAHRA on the 4th of June 2010.

1. GREENFIELD SECTION

Noted.

2. "WALK THROUGH" AND MONITORING

According to normal practice, a walk through should be integral part of an Archaeological Impact Assessment. It is understood that a detailed walk through was not performed on the greenfield section previously because the thick vegetation hampered visibility of the ground. If this is the case, a walk through, before vegetation clearing occurs, will not improve the knowledge of heritage resources on site.

Therefore SAHRA requires that:

- if the client agrees, SAHRA has no objection to an archaeologist conducting a walk through on site during the process of land acquisition;
- in areas where the walk through is unsuccessful and the visibility is poor or moderate, vegetation stripping can be performed on chosen sample

areas with smaller vegetation clearing machines to test the presence of heritage resources.

3. MONITORING BY A PROFESSIONAL ARCHAEOLOGIST DURING ALL EARTHMOVING

The practice of requiring the presence of a specialist on site during earthmoving processes is common to SAHRA. The concerns regarding safety issues are certainly understood and taken into consideration. Therefore, SAHRA requires that monitoring must take place:

- At any particularly sensitive areas identified by the specialist, such as, but not exclusively, at the river crossing of the Mzimvubu River where Late and Early Iron Age sites were located.

4. SECTIONS 1-4

- SAHRA is still concerned that not enough attention was paid to this sections, however, it agrees with the training on site of both an ECO and foremen, to recognise heritage resources. This training must be conducted by a specialist.

5. BURIAL GROUNDS AND GRAVES

SAHRA is aware of the familiarity of SANRAL with the NHRA legislation regarding protection and reburials of graves, but please make sure to be in constant contact with Ms Jennifer Kitto at the Burial Grounds and Graves Unit for any matter concerning graves relocation and the public process linked to it.

If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, marine shell and charcoal/ash concentrations), unmarked human burials or other categories of heritage resources are found during mining activities, SAHRA APM Unit (Nonofho Ndobochani/Mariagrazia Galimberti, Tel: 021 462 4502) must be alerted immediately, and an accredited professional archaeologist must be contacted as soon as possible to inspect the findings.

Kind regards



Pp Mrs Nonofho Ndobochani
SAHRA: Archaeology, Palaeontology and Meteorite Unit
For: CHIEF EXECUTIVE OFFICE

Copies: PHRA Eastern Cape Office

Appendix 3.7. SAHRA APM Unit. 2010c.



111 HARRINGTON STREET, CAPE TOWN, 8000
PO BOX 4637, CAPE TOWN, 8000
TEL: (021) 462 4602 FAX: (021) 462 4609

DATE: 20 July 2010
ENQUIRIES: Mariagrazia Galimberti
Archaeology, Palaeontology and Meteorite Unit
E-mail: mgalimberti@sahra.org.za
Web site: www.sahra.org.za

Our Ref. Number: 9/2/503/0001

Mr Fuad Fredericks
CCA Environmental (Pty) Ltd
PO Box 10145,
Caledon Square
Cape Town
7905

Mr Ron Harmse
Project Manager
SANRAL
P O Box 415
PRETORIA
0001

Dear Mr Fredericks and Mr Harmse,

After further discussion on the 16th July 2010, please find attached SAHRA's amendment to our clarification letter of the 15th July 2010 in regard to your letter sent to us on the 4th of June 2010.

1. GREENFIELD SECTION

Noted.

2. "WALK THROUGH" AND MONITORING

According to normal practice, a walk through should be integral part of an Archaeological Impact Assessment. It is understood that a detailed walk through has not been performed yet on the greenfield section as the thick vegetation hampered visibility of the ground. If this is the case, a walk through, before vegetation clearing occurs, will not improve the knowledge of heritage resources on site.

However, SAHRA requires that:

- a) during the process of land acquisition an archaeologist conducts a walk through on site possibly performing vegetation clearing when necessary. At the end of this process the specialist must submit a report to SAHRA with the outcome of the walk-through.

- b) After assessing the report, SAHRA might require further vegetation clearing with smaller mechanical machines on chosen test areas to further assess the potential presence of heritage resources. This will be performed only when and if there are areas where the walk through is unsuccessful as the visibility is poor or moderate.

3. MONITORING BY A PROFESSIONAL ARCHAEOLOGIST DURING ALL EARTHMOVING

The practice of requiring the presence of a specialist on site during earthmoving processes is common to SAHRA. SANRAL concerns regarding safety issues are understood and taken into consideration. SAHRA requires that monitoring takes place in areas identified by the specialist in the report submitted and assessed after the walk-through.

4. SECTIONS 1-4

SAHRA is still concerned that not enough attention was paid to these sections. However, considering that most development will involve upgrading of existing infrastructure, SAHRA agrees that the training on site, to recognise heritage resources, of both an ECO and foremen, should be sufficient. This training must be conducted by a specialist.

5. BURIAL GROUNDS AND GRAVES

SAHRA is aware of the familiarity of SANRAL with the NHRA legislation regarding protection and reburials of graves, but please make sure to be in constant contact with Ms Jennifer Kitto at the Burial Grounds and Graves Unit for any matter concerning graves relocation and the public process linked to it.

If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, marine shell and charcoal/ash concentrations), unmarked human burials or other categories of heritage resources are found during mining activities, SAHRA APM Unit (Mrs Nonofho Ndobochani/Mariagrazia Galimberti, Tel: 021 462 4502) must be alerted immediately, and an accredited professional archaeologist must be contacted as soon as possible to inspect the findings.

Kind regards



Pp Mrs Nonofho Ndobochani
SAHRA: Archaeology, Palaeontology and Meteorite Unit
For: CHIEF EXECUTIVE OFFICER

Copies: PHRA Eastern Cape Office

Appendix 3.8. SAHRA APM Unit. 2012.



SOUTH AFRICAN HERITAGE RESOURCES AGENCY

111 HARRINGTON STREET, CAPE TOWN, 8000
PO BOX 4637, CAPE TOWN, 8000
TEL: (021) 462 4502 FAX: (021) 462 4509

DATE: 12 September 2012
ENQUIRIES: Mr. Phillip Hine
Archaeology, Palaeontology and Meteorites Unit
E-mail: phine@sahra.org.za
Web site: www.sahra.org.za
FILE NO: 7/6/9/2/1

Compliance to SAHRA Minimum Standards for Phase 1 Archaeological Impact Assessments

The SAHRA APM Unit wishes to thank all CRM practitioners for their submission of Phase 1 and Phase 2 Impact Assessment reports. It is a pleasure to note that the number of reports submitted and processed increased substantially over the last few years. However, Phase 1 reports submitted still vary greatly in quality and not all reports adhere to the requirements set out in the SAHRA Minimum Standards: Archaeological and Palaeontological Components of Impact Assessment Reports. SAHRA is currently in the process of reviewing these Minimum Standards for Archaeological Impact Assessments and will update the Association upon completion of the review process. However, the following concerns with regard to Phase 1 reports need immediate attention:

- All Phase 1 Archaeological Impact Assessments must include the relevant project information, i.e., type of development proposed and any associated infrastructure that will be required. It is preferred that reports be submitted by the EAP's with the relevant EIA information. Reports submitted by specialists must include all relevant documents and, if not, the contact details of the EAP that may be contacted to supply such information.
- The size of the project area and the actual footprint of the development must also be given. SAHRA still requires a 1:50 000 map indicating the project area. Additional Google Images are welcome. Heritage resources must still be mapped on 1: 50 000 and also Google maps. Identified sites/finds must be plotted in relation to the actual development in the form of an overlay of the

sites on the development footprint. CRM practitioners should request the relevant development layout maps from the EAP's and these should be included in the report. Google Earth Images must include a north arrow and scale. Standardised scales must be included in all site/artefact photographs and maps – pens, penknives, cameras, GPS units are not acceptable.

- Archaeological Background Information must be case and site specific, for example: 1) previous assessments and research undertaken in the vicinity of the project area, 2) types of heritage resources likely to be encountered, 3) discussion of the archaeological sequence must be focused on the geographical area of the project. While a bibliography is required in order to list your sources, these must be referred to in the text to have any relevance. Supplying a bibliography does not obviate the need to provide the Archaeological Background Information.
- The methodology must be site-specific and strictly relevant to the proposed project. The author must include information on how the survey was conducted, time spent conducting the survey, the total area inspected and any limitations experienced. Areas not surveyed must be indicated. A GPS track of the surveyed area is necessary.
- All reports submitted to SAHRA must include a detailed description of the project area, for example 1) previous land use, 2) current land use, 3) topography of the area, 4) landscape qualities.
- Where possible information about the historical development of the greater project area should be provided.
- All heritage resources must be properly assessed and mapped. Relevant information must include the type of resource, relative age, state of preservation, the size of the site, and if any impact is envisaged for the site. Site names must be case specific and unique to the project. The use of generic names, Site 1, Site 2 etc is discouraged.
- Phase 2 mitigation will be supported only if proper motivation is provided, the significance of the site is properly assessed and if impact can be demonstrated. **For example, the approximate extent, artefact densities, type and raw materials present must be provided for open air Stone Age sites.** Separate guidelines for the recording and description of Stone Age sites during Phase 1 are being compiled.

SAHRA APM Unit requests that all CRM practitioners adhere to Minimum Standards. Reports that do not comply with Minimum Standards and the issues addressed in this letter will be returned to the EAP/author for updating.

Yours sincerely



Mrs. Colette Scheermeyer
SAHRA: Archaeology, Palaeontology and Meteorites Unit
For: CHIEF EXECUTIVE OFFICER

Appendix 3.9. SAHRA BGG Unit. 2009.

10-SEP-2009 21:29 FROM SAHRA

TO 0214611120

P.001



SOUTH AFRICAN HERITAGE RESOURCES AGENCY
 BRAAMFONTEIN CENTRE, 11TH FLOOR, 23 JORRISON STREET, BRAAMFONTEIN, 2001
 PO BOX 32272, BRAAMFONTEIN, 2017
 TEL: (011) 403-2460 • FAX: (011) 339-3347

ENQUIRIES: J Kitto
 E-mail: jkitto@sat_sahra.org.za
 Web site: www.sahra.org.za

YOUR REF:
 OUR REF: 9/2/503/0001
 DATE: 10 September 2009

CCA Environmental (Pty) Ltd
 Unit 35 Roeland Square
 30 Drury Lane
 CAPE TOWN
 8001

BY FAX: (021) 461-1120

Attention: Fuad Fredericks/Julian Drew

Dear Sir

**DRAFT ENVIRONMENTAL IMPACT REPORT: PROPOSED N2 WILD COAST
 TOLL HIGHWAY, EASTERN CAPE AND KWAZULU NATAL**

1. The Draft Environmental Impact Report (incl. Heritage Impact Assessment) submitted to the Burial Grounds and Graves Unit (BGG) of SAHRA and received on 28 August 2009, refers. The Archaeological Review Comment generated by the Archaeology, Palaeontology and Meteorite (APM) Unit of SAHRA, dated 21 August 2009, also refers.
2. The following issues regarding burial grounds and graves are noted from the documents received:
 - 2.1 Heritage Impact Assessment (HIA) report:
 - This seems to have relied heavily on the results of the Social Impact Assessment regarding ancestral and historical graves and burial grounds that would be negatively impacted.
 - However, it is clear that a large number of graves would be affected, either due to relocation of existing settlements or the negative impact of road construction activities on ancestral graves located at abandoned homesteads.
 - The specific grave site of King Faku of the amaMpondo and the graves of other members of the Sigcau Royal Family have also been identified as being potentially negatively affected.
 - The number and specific details of graves and burial grounds directly or indirectly impacted by the proposed road development was not audited in this assessment.

10-SEP-2009 21:29 FROM SAHRA

TO 0214611120

P.002

2.2 The Social Impact Assessment (SIA) report:

- This document confirmed that there are graves and burial sites that will potentially be negatively impacted in six out of the seven sections of the proposed road route (including alternative routes); the grave of King Faku was specifically noted.
- The major activities that would potentially affect graves and burial grounds are related to resettlement of communities and loss of access to existing and ancestral graves and their associated cultural/spiritual/religious significance.

2.3 The EIA Main Report:

- The EIA process excluded the assessment of potential borrow pits or rock quarries, the identification of spoil areas and the proposed bypasses to Dutywa, Butterworth and Mthatha
- The section on Cultural and Historical Heritage refers to the graves of family members who have been buried in homestead gardens and could potentially be affected by resettlement as well as graves that are often sited at old abandoned homesteads. The potential impact on the grave at King Faku's Heritage Place and other graves in this section of the proposed route is also noted.

3. It is noted that the recommendations for mitigation regarding the identified graves as set out in the various reports include the following:

3.1 Unfortunately, the HIA report does not provide specific recommendations for the avoidance or mitigation of graves identified as potentially affected negatively by the proposed construction of the highway, except for the graves belonging to the Sigcau Royal family.

3.2 The SIA report notes that some communities which identified the potential impact on graves as being an issue have noted the possible need to exhumate such graves. Specific mitigation measures proposed include:

- The component of cultural, spiritual and religious sites [i.e. including graves] should form part of the Terms of Reference for the Resettlement Action Plan;
- Ensure that all cultural, spiritual and religious aspects are dealt with to the satisfaction of those affected;
- The recommendation of the archaeological and cultural management study to be followed.

3.3 The EIA Main report includes recommendations for mitigation of the graves potentially affected in several of the subsections of the Recommendations section. these include:

- Further investigations by a heritage practitioner to complete an assessment of the final alignment chosen for the proposed highway; including locations of new access roads, construction camps and all other infrastructure; and to undertake an oral history recording project within the Amadiba Tribal Authority Area
- The Social subsection refers to the recommendations of the archaeological and cultural management study
- The Cultural and Historical Heritage subsection recommends:
 - i. a protocol be compiled for the contractors in the event that any heritage resources are uncovered during construction;
 - ii. develop and conduct training courses for all relevant personnel for effective participation in heritage resources management; and
 - iii. undertake regular monitoring as construction activities proceed.

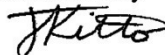
10-SEP-2009 21:29 FROM SAHRA

TO 0214611120

P.003

4. After considering the above information, the SAHRA BGG Unit has the following comments on the information contained in the overall Draft EIA Report:
 - 4.1 It is clear that there is a high potential that a large number of graves and burial grounds older than 60 years could be negatively impacted by the proposed highway
 - 4.2 However, specific information is lacking on the number, location and other details of graves and burial grounds potentially to be impacted
 - 4.3 The exclusion of the assessment of potential borrow pits or rock quarries, the identification of spoil areas and the proposed bypasses to Dutywa, Butterworth and Mthatha in this EIA process adds to the lack of specific information noted above and needs to be addressed
 - 4.4 At this stage therefore, SAHRA BGG Unit cannot make a final comment on the results and recommendations of the Draft EIA report; however, an interim comment based on the information available at this stage is provided.
 - 4.5 The SAHRA BGG Unit supports in principle, the general recommendations regarding graves and burial grounds set out in the HIA report, the SIA report and the Main EIA report.
 - 4.6 In addition, we support the comments and recommendations of the SAHRA APM Unit, particularly the requirement that once preferred road alignments are finalised and vegetation cover is removed a professional archaeologist must inspect all new locations for bridges, other infrastructure (including borrow pits and quarries, spoil areas and proposed new bypasses) and the new stretch of road through the greenfields.
 - 4.7 We also require that specific details on the locations of all known graveyards of existing settlements and possible graves at old, abandoned homesteads be obtained by consultation with the local communities during the process of finalisation of the road alignments and associated infrastructure (this information needs to be shown on a map).
 - 4.8 The above additional information will form part of an additional Phase I HIA, which should also indicate the position of the families and/or communities associated with specific graves/burial grounds regarding the possible exhumation and relocation of the graves.
5. Until this additional Phase I HIA report is received by the SAHRA Burial Grounds and Graves Unit and its contents assessed and commented on in another response letter, SAHRA is not in a position to approve or reject this proposed project. Please note that, if the option of relocation of graves is to be considered, an application for a permit would be required to be submitted in terms of section 36(3) which includes a detailed public participation process.
6. Please note that the above comments and recommendations apply only to the sections of the highway route located in the Eastern Cape and that comments on any graves and burial grounds identified in the KwaZulu Natal section/s should be obtained from Amafa Kwazulu Natali.

Yours sincerely



Jennifer Kitto
Cultural Heritage Officer
For MANAGER
BURIAL GROUNDS AND GRAVES UNIT

Appendix 3.10. Heritage Kwazulu-Natal. 2008.

21-NOV-2008(FRI) 14:20

P. 001/002

Amafa AkwaZulu-Natali**Heritage KwaZulu-Natal****Erfenis KwaZulu-Natal**PO Box 268/
Pietermaritzburg 320

Tel: 033 394 654

Fax: 033 342 605

Email: amafa.pmb2@mweb.co.z

Website: www.heritagekzn.co.z

Date: 21 November 2008

Ref: 05/08/25-05

Attention: Theo Hansford

NMA EFFECTIVE SOCIAL STRATEGISTS

Tel: 011 447 6037

Fax: 086 601 0381

Email: theoh@nma.org.za

Dear Theo

RE: PROPOSED N2 WILD COAST TOLL HIGHWAY

In view of the eThembeni Cultural Heritage Specialists survey findings, in terms of Section 26 of the Amafa KwaZulu Natal Heritage Act No 10 of 1997 we have no objection to the proposed development since there are no heritage impacts anticipated in the KwaZulu Natal Region, the Amafa area of jurisdiction. You are however required to adhere to the below-mentioned recommendations as presence of sub – surface heritage resources cannot be ruled out in your area of operation:

Conditions:

1. Amafa should be contacted if any heritage objects are identified during earthmoving activities and all development should cease until further notice especially in the Port Edward area besides other areas of operation.
2. No structures older than sixty years or parts thereof are allowed to be demolished, altered or extended without a permit from Amafa.
3. No activities are allowed within 50m of a site which contains rock art.
4. Amafa should be contacted if any graves are identified during construction and the following procedure is to be followed:
 - stop construction
 - report finding to local police station
 - report to Amafa to investigate.

Heritage Resources are protected in terms of the KwaZulu-Natal Heritage Act (No. 10 of 1997).

21-NOV-2008(FRI) 14:21

P. 002/002

Best regards,

A handwritten signature in black ink, appearing to be 'Sello Mokhanya', written in a cursive style.

Sello Mokhanya

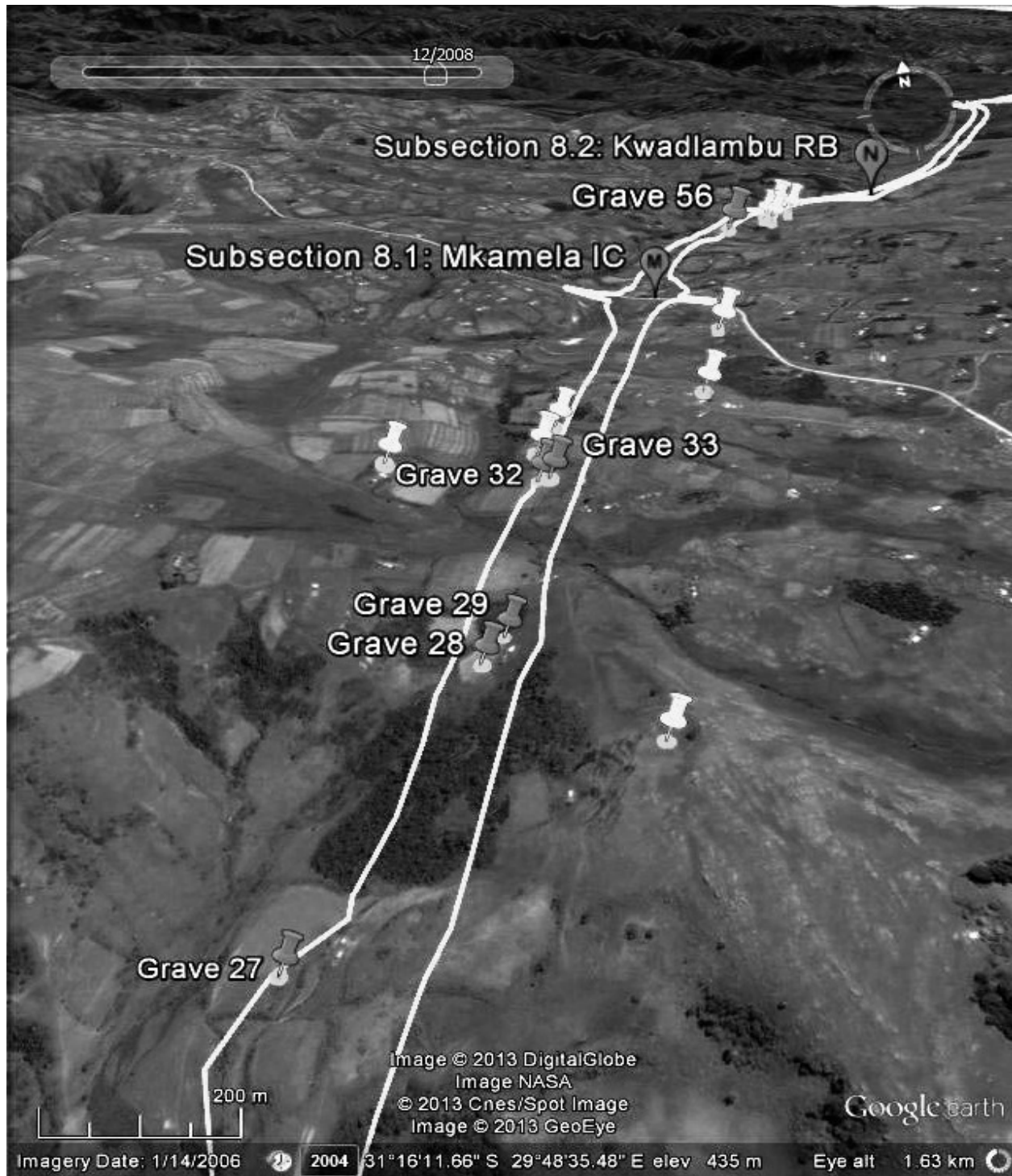
Principal Heritage Officer – Archaeology

Appendix 4. Land Audit of graves

List of graves within the N2WCTH road reserve

Table and satellite image based on GPS based data from the Land Audit grave list.

Grave no	Coordinates	Road reserve subsection	Location
22	31°23'42.72"S; 29°32'50.40"E	Subsection 6.1	Built-up area south of Lusikisiki.
26	31°23'19.95"S; 29°33'6.81"E		
27	31°16'28.57"S; 29°48'22.94"E	Subsection 8.1	Populated rural farm-land area north and south of the Mkamela Interchange (see Appendix 4 Figure 1 below).
28	31°16'15.84"S; 29°48'32.93"E		
29	31°16'14.66"S; 29°48'34.39"E		
32	31°16'0.77"S; 29°48'39.28"E		
33	31°16'0.62"S; 29°48'40.12"E		
56	31°14'53.23"S; 29°49'23.02"E		
69	31°11'39.21"S; 29°53'37.68"E	Subsection 8.2	Rural area south of the Mtentu River bridge
70	31°11'35.72"S; 29°54'5.14"E		
48	31° 4'30.64"S; 30°10'37.24"E	Subsection 9.5	Built-up area south-west of the Casino Interchange



Appendix 4 Figure 1. Subsection 8.1. Graves within the N2WCTH road reserve, as listed in the existing Land Audit grave list. The numbered red markers indicate graves within the approved road reserve. The yellow markers show listed grave locations outside the road reserve.

Google Earth imagery date 1/14/2006; ©2013. Viewed towards the north-east. Scale 200 m.