

Proposed development of Jeffreys Bay Sewer
Rising Main, Kouga Local Municipality, Sarah
Bartman District Municipality, Eastern Cape

PALAEONTOLOGICAL IMPACT ASSESSMENT

Compiled by: Dr JF Durand (Sci.Nat.)

For:

CEN IEM Unit

140 Kruger Gardens, 62 Admiralty Way, Summerstrand, Gqeberha
082 320 3111

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1. Executive summary

Undifferentiated rocks of the Ceres Subgroup of the Bokkeveld Group of the Cape Supergroup that has a Very High Palaeontological Sensitivity rating, underlie the study site.

There is a possibility of finding fossils at the study site. Excavations in the Ceres Subgroup should be approached with care. Even though the fossils in this fossils have not yet been reported from this area, they will be of high scientific importance once discovered.

The Chance Palaeontological Finds Procedure (pp. 19-20) should be followed if a significant fossil discovery is made during construction.

2. Introduction

The Heritage Act of South Africa stipulates that fossils and fossil sites may not be altered or destroyed. The purpose of this document is to detail the probability of finding fossils in the study area that may be impacted by the proposed development.

The palaeontological heritage of South Africa is unsurpassed and can only be described in superlatives. The South African palaeontological record gives us insight in inter alia the origin of dinosaurs, mammals and humans. Fossils are also used to identify rock strata and determine the geological context of the subregion with other continents and played a crucial role in the discovery of Gondwanaland and the formulation of the theory of plate tectonics. Fossils are also used to study evolutionary relationships, sedimentary processes and palaeoenvironments.

South Africa has the longest record of palaeontological endeavour in Africa. South Africa was even one of the first countries in the world in which museums displayed fossils and palaeontologists studied earth history. South African palaeontological institutions and their vast fossil collections are world-renowned and befittingly the South African Heritage Act is one of the most sophisticated and best considered in the world.

Fossils and palaeontological sites are protected by law in South Africa. Construction in fossiliferous areas may be mitigated in exceptional cases but there is a protocol to be followed.

This is a Palaeontological Impact Assessment that was prepared in line with the South African Heritage Resources Act (Act 25 of 1999) and Appendix 6 of the Environmental Impact Assessment Regulations 2014 as amended and the General Assessment Protocol for Site Sensitivity Verification. This involved an overview of the literature on the palaeontology and associated geology of the area and a visit to the study site for a Palaeontological Impact Assessment.

3. Terms of reference for the report

According to the South African Heritage Resources Act (Act 25 of 1999) (Republic of South Africa, 1999), certain clauses are relevant to palaeontological aspects for a terrain suitability assessment.

- **Subsection 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;
- (c) trade in, sell for private gain, export or attempt to export from the republic any category of archaeological or palaeontological material or object, or any meteorite; or
- (d) bring onto or use at an archaeological or palaeontological site any excavation equipment or any equipment which assist with the detection or recovery of metals or archaeological material or objects, or use such equipment for the recovery of meteorites.
- **Subsection 35(5)** When the responsible heritage resources authority has reasonable cause to believe that any activity or development which will destroy, damage or alter any archaeological or palaeontological site is under way, and where no application for a permit has been submitted and no heritage resources management procedures in terms of section 38 has been followed, it may-
- (a) serve on the owner or occupier of the site or on the person undertaking such development an order for the development to cease immediately for such period as is specified in the order;
- (b) carry out an investigation for the purpose of obtaining information on whether or not an archaeological or palaeontological site exists and whether mitigation is necessary;
- (c) if mitigation is deemed by the heritage resources authority to be necessary, assist the person on whom the order has been served under paragraph (a) to apply for a permit as required in subsection (4); and
- (d) recover the costs of such investigation from the owner or occupier of the land on which it is believed an archaeological or palaeontological site is located or from the person proposing to undertake the development if no application for a permit is received within two weeks of the order being served.

South Africa's unique and non-renewable palaeontological heritage is protected in terms of the NHRA. According to this act, heritage resources may not be excavated, damaged, destroyed or otherwise impacted by any development without prior assessment and without a permit from the relevant heritage resources authority.

As areas are developed and landscapes are modified, heritage resources, including palaeontological resources, are threatened. As such, both the environmental and heritage legislation require that development activities must be preceded by an assessment of the impact undertaken by qualified professionals. Palaeontological Impact Assessments (PIAs) are specialist reports that form part of the wider heritage component of:

- Heritage Impact Assessments (HIAs) called for in terms of Section 38 of the National Heritage Resources Act, Act No. 25, 1999 by a heritage resources authority.
- Environmental Impact Assessment process as required in terms of other legislation listed in s. 38(8) of NHRA;
- Environmental Management Plans (EMPs) required by the Department of Mineral Resources.

HIAs are intended to ensure that all heritage resources are protected, and where it is not possible to preserve them in situ, appropriate mitigation measures are applied. An HIA is a comprehensive study that comprises a palaeontological, archaeological, built environment, living heritage, etc specialist studies. Palaeontologists must acknowledge this and ensure that they collaborate with other heritage practitioners. Where palaeontologists are engaged for the entire HIA, they must refer heritage components for which they do not have expertise on to appropriate specialists. Where they are engaged specifically for the palaeontology, they must draw the attention of environmental consultants and developers to the need for assessment of other aspects of heritage. In this sense, Palaeontological Impact Assessments that are part of Heritage Impact Assessments are similar to specialist reports that form part of the EIA reports. The standards and procedures discussed here are therefore meant to guide the conduct of PIAs and specialists undertaking such studies must adhere to them. The process of assessment for the palaeontological (PIA) specialist components of heritage impact assessments, involves:

Scoping stage in line with African Heritage Resources Act (Act 25 of 1999) and Appendix 6 of the Environmental Impact Assessment Regulations 2014 as amended and the General Assessment Protocol for Site Sensitivity Verification. This involves an **initial assessment** where the specialist evaluates the scope of the project (based, for example, on NID/BIDs) and advises on the form and extent of the assessment process. At this stage the palaeontologist may also decide to compile a **Letter of Recommendation for Exemption from further Palaeontological Studies**. This letter will state that there is little or no likelihood that any significant fossil resources will be impacted by the development. This letter should present a reasoned case for exemption, supported by consultation of the relevant geological maps and key literature.

A Palaeontological Desktop Study – the palaeontologist will investigate available resources (geological maps, scientific literature, previous impact

assessment reports, institutional fossil collections, satellite images or aerial photos , etc) to inform an assessment of fossil heritage and/or exposure of potentially fossiliferous rocks within the study area. A Desktop studies will conclude whether a further field assessment is warranted or not. Where further studies are required, the desktop study would normally be an integral part of a field assessment of relevant palaeontological resources.

A Phase 1 Palaeontological Impact Assessment is generally warranted where rock units of high palaeontological sensitivity are concerned, levels of bedrock exposure within the study area are adequate; large-scale projects with high potential heritage impact are planned; and where the distribution and nature of fossil remains in the proposed project area is unknown. In the recommendations of Phase 1, the specialist will inform whether further monitoring and mitigation are necessary. The Phase 1 should identify the rock units and significant fossil heritage resources present, or by inference likely to be present, within the study area, assess the palaeontological significance of these rock units, fossil sites or other fossil heritage, comment on the impact of the development on palaeontological heritage resources and make recommendations for their mitigation or conservation, or for any further specialist studies that are required in order to adequately assess the nature, distribution and conservation value of palaeontological resources within the study area.

A Phase 2 Palaeontological Mitigation involves planning the protection of significant fossil sites, rock units or other palaeontological resources and/or the recording and sampling of fossil heritage that might be lost during development, together with pertinent geological data. The mitigation may take place before and / or during the construction phase of development. The specialist will require a Phase 2 mitigation permit from the relevant Heritage Resources Authority before Phase 2 may be implemented.

A **'Phase 3' Palaeontological Site Conservation and Management Plan** may be required in cases where the site is so important that development will not be allowed, or where development is to co-exist with the resource. Developers may be required to enhance the value of the sites retained on their properties with appropriate interpretive material or displays as a way of promoting access of such resources to the public.

The assessment reports will be assessed by the relevant heritage resources authority, and depending on which piece of legislation triggered the study, a response will be given in the form of a Review Comment or Record of Decision (ROD). In the case of PIAs that are part of EIAs or EMPs, the heritage resources authority will issue a comment or a record of decision that may be forwarded to the consultant or developer, relevant government department or heritage practitioner and where feasible to all three.

4. Details of study area and the type of assessment:

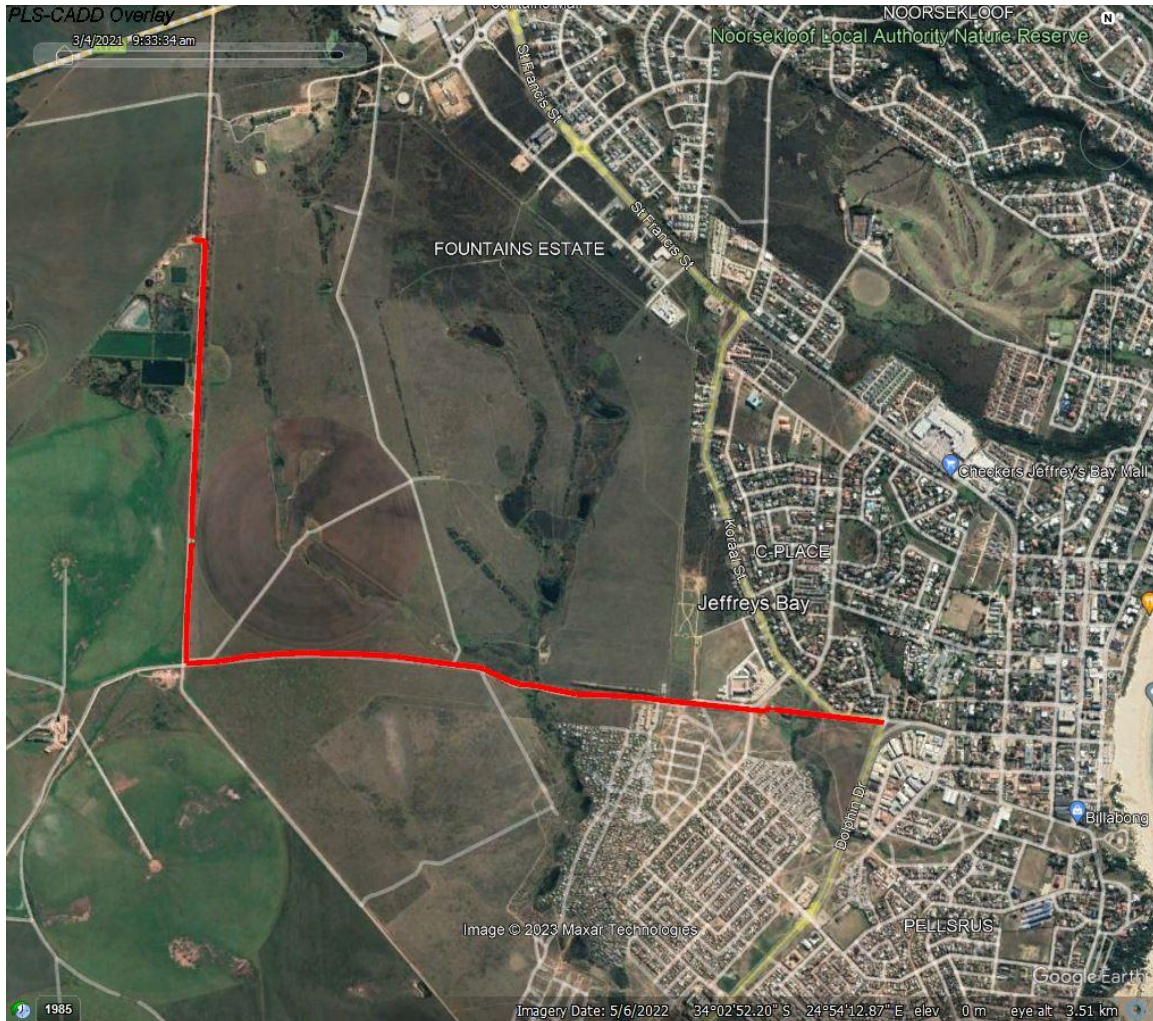


Figure 1: Google Earth photo of study site (red line)

The study site is situated west of Jeffreys Bay, Kouga Local Municipality, Sarah Baartman District, Eastern Cape (see Fig. 1).

The relevant literature and geological maps for the region in which the development is proposed to take place, have been studied for a Palaeontological Impact Assessment.

5. Geological setting of the study area



The red line indicates the study site.

Figure 2: Geological Map of the study area (adapted from the 3324 PORT ELIZABETH 1: 250 000 Geology Map, Council for Geoscience, 1991)

LEGEND:

	Lithology	Stratigraphy		Age
Qw	Aeolian sand			Quaternary
T-Qn	Aeolianite	Nanaga Formation		Tertiary
Dc	Alternating layers of sandstone and mudstone	Undifferentiated layers constituting the Ceres Subgroup of the Bokkeveld Group	Cape Supergroup	Devonian
S-Db	Impure feldspathic sandstone, subordinate mudstone	Baviaanskloof Formation of the Nardouw Subgroup of the Table Mountain Group		Silurian

The geology of the eastern part of the study site is obscured by soil and vegetation. The light coloured mudstone that is exposed in the excavations next to the road and in the road is typical of the mudstone-rich formations of the Ceres Subgroup of the Bokkeveld Group of the Cape Supergroup that underlies the study site (see Figs. 2, 5, 7 & 9).

The Bokkeveld Group comprises of the lower Ceres and upper Traka Subgroups. The lower Ceres Subgroup contains upward-coarsening cycles that are defined by the lowermost Gydo (mudrock and siltstone), the Gamka (sandstone), the Voorstehoek (mudrock and siltstone), the Hex River (sandstone), the Tra-Tra (mudrock and siltstone) to the uppermost Boplaas (sandstone) Formations (Thamm & Johnson, 2009).

These formations are not well defined or studied in the study area and are therefore represented as undifferentiated Ceres Subgroup rocks on the geology map.

6. Site visit



Figure 3: Study site adjacent to Jeffreys Bay Wastewater Treatment Plant facing south from 34°02'22.12"S 24°53'21.31"E



Figure 4: Study site adjacent to Jeffreys Bay Wastewater Treatment Plant facing south from 34°02'38.16"S 24°53'20.37"E



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Figure 9: Mudstone exposed in road at 34°03'08.09"S 24°53'35.92"E



Figure 10: Facing east from 34°03'09.85"S 24°53'58.02"E

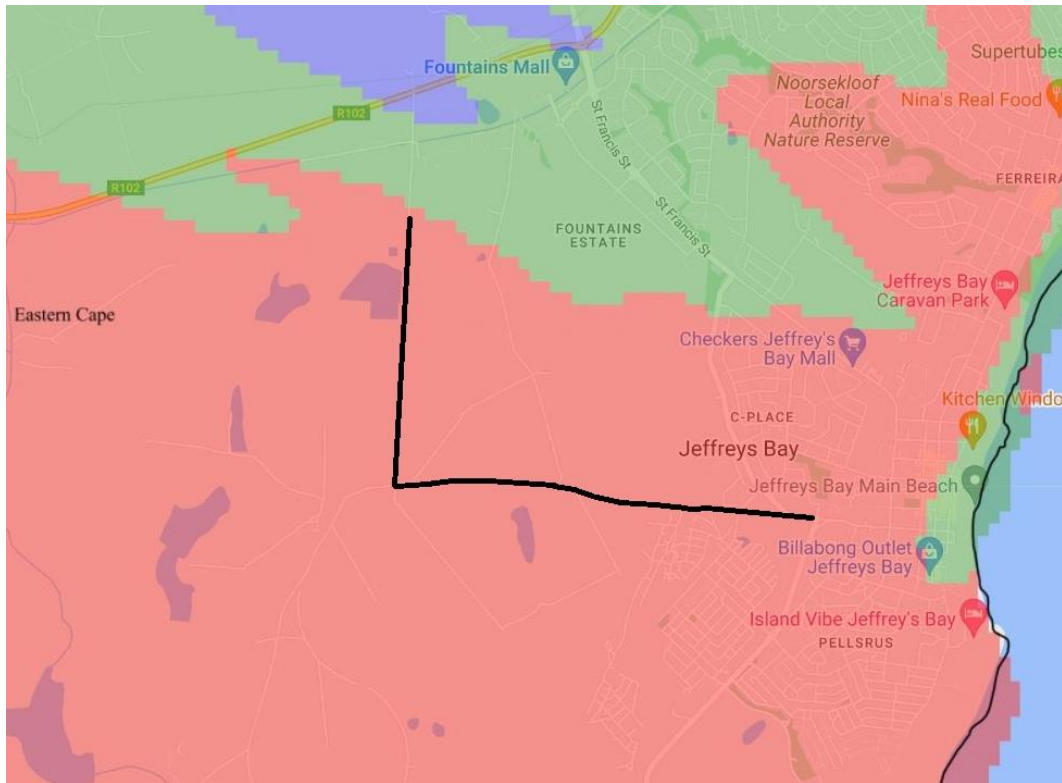


Figure 11: Facing southeast from 34°03'13.48"S 24°54'28.24"E



Figure 12: Facing south from 34°03'15.24"S 24°54'52.06"E

7. Palaeontological potential of the study area



Study site is indicated by the black line

Figure 13: Palaeosensitivity map of the study site (SAHRA, 2023)

KEY		
COLOUR	SENSITIVITY	REQUIRED ACTION
Red	Very High	Field assessment and protocol for finds are required.
Green	Moderate	Desktop study is required.
Blue	Low	No palaeontological studies are required however a protocol for finds is required.

The study site is underlain by the undifferentiated sedimentary rocks of the Ceres Subgroup of the Bokkeveld Group of the Cape Supergroup that is considered to have a Very High Palaeontological Sensitivity (SAHRA, 2023) (see Fig. 12).

The Ceres Subgroup in the Western Cape is characterised by abundant marine benthic invertebrate fossils including brachiopods, echinoderms, trilobites, corals and mollusc fossils, diverse trace fossils and microfossils. Fossils of several other scarcer invertebrate groups are also represented as well as rare fish remains including those of acanthodians, placoderms, sharks and bony fish. Primitive vascular plants such as psilophytes and lycopods are also found in this geological unit (Almond et al., 2009). The shelly fossils and trace fossils are

found mostly in the mudrocks of this subgroup, while the plant fossils are found in places in the sandstones (Thamm & Johnson, 2009).

No fossils were found during the field visit. The Ceres Subgroup has not been studied in the Eastern Cape as well as it has been in the Western Cape. It is expected that fossils will be discovered in this subgroup over time.

References:

Almond, J; De Klerk, B. & Gess, R. (2009) Palaeontological Heritage of the Eastern Cape. South African Heritage Resources Agency, Cape Town.

Council for Geoscience (1991). 3324 PORT ELIZABETH 1: 250 000 Geology Map.

SAHRA (2023) Palaeosensitivity Map <http://www.sahra.org.za/sahris/map/palaeo>

Thamm, A.G. & Johnson, M.R. (2009). The Cape Supergroup. In: Johnson, M.R.; Anhaeusser, C.R. & Thomas, R.J. (Eds.) *The geology of South Africa*. Johannesburg: GSSA. Pp. 443-460.

8. Conclusion and recommendations:

Excavations in the Ceres Subgroup should be approached with care. Even though no fossils have been reported from the study area from this subgroup, there is a good chance that fossils may be found which will be of great scientific importance. The rocks of this subgroup are mostly covered by soil and vegetation in the eastern part of the study area, but is exposed in excavations next to the road south of the Jeffreys Bay Wastewater Treatment Plant.

The Chance Palaeontological Finds Procedure has to be followed if fossiliferous rocks are exposed during the pre-construction phase and at any point during construction. The help of a palaeontologist should be called in if fossils are discovered during development to determine the scientific value of the fossils and the best procedure to follow.

PROCEDURE FOR CHANCE PALAEOLOGICAL FINDS

Extracted and adapted from the National Heritage Resources Act, 1999 Regulations Reg No. 6820, GN: 548.

The following procedure must be considered in the event that previously unknown fossils or fossil sites are exposed or found during construction of the road:

1. Surface excavations should continuously be monitored by the ECO and any fossil material be unearthed the excavation must be halted.
2. If fossiliferous material has been disturbed during the excavation process it should be put aside to prevent it from being destroyed.
3. The ECO then has to take a GPS reading of the site and take digital pictures of the fossil material and the site from which it came.
4. The ECO then should contact a palaeontologist and supply the palaeontologist with the information (locality and pictures) so that the palaeontologist can assess the importance of the find and make recommendations.
5. If the palaeontologist is convinced that this is a major find an inspection of the site must be scheduled as soon as possible in order to minimise delays to the development.

From the photographs and/or the site visit the palaeontologist will make one of the following recommendations:

- a. The material is of no value so development can proceed, or:

b. Fossil material is of some interest and a representative sample should be collected and put aside for further study and to be incorporated into a recognised fossil repository after a permit was obtained from SAHRA for the removal of the fossils, after which the development may proceed, or:

c. The fossils are scientifically important and the palaeontologist must obtain a SAHRA permit to excavate the fossils and take them to a recognised fossil repository, after which the development may proceed.

7. If any fossils are found then a schedule of monitoring will be set up between the developer and palaeontologist in case of further discoveries.

9. Declaration of Independence:

I, Jacobus Francois Durand declare that I am an independent consultant and have no business, financial, personal or other interest in the proposed development, application or appeal in respect of which I was appointed other than fair remuneration for work performed in connection with the activity, application or appeal. There are no circumstances that compromise the objectivity of my performing such work.



Palaeontological specialist:

Dr JF Durand (Sci. Nat.)

BSc Botany & Zoology (RAU), BSc Zoology (WITS), Museology Dipl. (UP),
Higher Education Diploma (RAU), PhD Palaeontology (WITS)