



SOUTH AFRICAN HERITAGE RESOURCES AGENCY
 111 HARRINGTON STREET, CAPE TOWN, 8001
 PO BOX 4637, CAPE TOWN, 8000
 TEL: 021 462 4502 FAX: 021 462 4509

FOR ATTENTION: PHRA: Eastern Cape

FOR OFFICIAL USE ONLY:

SAHRA File No: **9/2/034/0002**
 Date Received: **28 September 2010**
 Date of Comment: **16 November 2010**
 Sent to Peer Review:
 Date to Peer Review:
 SAHRA Contact Person: **Mariagrazia Galimberti**
 DEA Ref No: **12/12/20/1754**

REVIEW COMMENT ON HERITAGE SCOPING 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: **Eastern Cape**
- B. AUTHOR(S) OF REPORT: **Mr Dave Halkett and Dr Lita Webley**
- C. ARCHAEOLOGY CONTRACT GROUP: **ACO Associates CC**
- D. CONTACT DETAILS: **8 Jacobs Ladder, St James, Cape Town 7945, Cel: 073 141 8606**
- E. DATE OF REPORT: **March 2010**
- F. TITLE OF REPORT: **Heritage Scoping Assessment of a Proposed Wind Energy Facility to be situated on farms in the Cookhouse District, Eastern Cape.**
- G. Please circle as relevant: Heritage component of EIA / EMP / HIA / CMP/ **Other** (Specify) **Draft Scoping Report**
- H. REPORT COMMISSIONED BY (CONSULTANT OR DEVELOPER): **Savannah Environmental (Pty) Ltd**
- I. CONTACT DETAILS: **Ms Karen Jodas, PO Box 148, Sunninghill, 2157, Gauteng, Tel: 011 234 6621**
- J. COMMENTS:

Please see comment on next page.....

REVIEW COMMENT ON HERITAGE SCOPING ASSESSMENT

Dave Halkett and Lita Webley on behalf of ACO Associates

Dated: March 2010, Received: September 2010

Heritage Scoping Assessment of a Proposed Wind Energy Facility to be situated on farms in the Cookhouse District, Eastern Cape

INTRODUCTION

Windlab Development South Africa has applied to the Department of Environmental Affairs for the possible construction of the Wind Farm Facility Amakhala Emoyeni between Bedford and Cookhouse in the Eastern Cape Province. Savannah Environmental is in charge of its Environmental Impact Assessment Process.

The project will entail the construction of up to 350 turbines, three substations, internal access roads and overhead powerlines in an area of between 23 000 and 30 000 ha for a total energy output between 500 and 750 MW. The connection between the turbines will be underground. Most of the area is at present used for stock and game farming.

The exhaustive assessment compiled here by Mr Halkett and Dr Webley is a scoping report evaluating possible heritage resources, which are reasonably expected to be identified in the impacted area. This is a preliminary report as a full Heritage Impact Assessment, including a Visual and Palaeontological Impact Assessments, will be undertaken later during the Environmental Impact Assessment phase of the project. SAHRA APM Unit will be commenting on the archaeological and the palaeontological components of this Heritage Impact Assessment.

The two authors, and especially Dr Webley, have previously worked at length in the Eastern Cape and they have an extensive knowledge of the archaeology and other heritage resources which could be encountered during the establishment of the wind energy facility, if approved by DEA. According to the authors chances to identify heritage resources are very high. Most likely Stone Age and Colonial period will be quite frequent in the area, whereas chances to find pre-colonial farming sites are slimmer but not impossible. There is also the sound probability that unmarked or marked graves or graveyards will be identified on the development footprint.

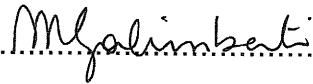
SAHRA RECOMMENDATIONS

SAHRA supports the recommendations of the authors and requires that:

- A full HIA be undertaken during the EIA phase, including a visual and a palaeontological impact assessments;
- The footprint of all turbines and related infrastructures, including access roads, must be surveyed by the archaeologist and palaeontologist so that all heritage resources and their related significance can be identified;
- The possibility that the development will involve disturbance of an archaeological or palaeontological site of some significance is high. In this instance, a Phase 2 mitigation will be asked for. SAHRA will require that, in terms of s.38(4)(b&c) of the National Heritage Resources Act, the provisions of ss 35 & 36 apply, as appropriate. The specialist will require a mitigation permit from the relevant Heritage Resources Authority. On receipt of a satisfactory mitigation (Phase 2) permit report from the archaeologist, the heritage authority will make further recommendations in terms of the report. Very often permission is given for the destruction of the remainder of the archaeological or palaeontological sites. Very rarely, if a site has high heritage significance, the authority may request that it be conserved and that mini-site management plans, interpretive material and possibly protective infrastructure be established.

CONCLUSION

SAHRA will comment further on this development once a full Heritage Impact Assessment is received.

SIGNATURE OF ARCHAEOLOGIST PROCESSING REPORT: 

EMAIL: mgalimberti@sahra.org.za

SIGNATURE OF SAHRA HEAD ARCHAEOLOGIST: 

EMAIL: 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.