

Phase 1 Archaeological Impact Assessment -
**(NOOITVERWAGT PORTION OF) KAFIR KRANTS 379,
HAY DISTRICT, NORTHERN CAPE, SOUTH AFRICA**

DATE: 2006-08-14



Our Ref : 2922BD 2006.004

SAHRA Ref :
DME Ref :

Phase 1 Archaeological Impact Assessment -
**(NOOITVERWAGT PORTION OF) KAFIR KRANTS 379,
HAY DISTRICT, NORTHERN CAPE, SOUTH AFRICA**



REPORT TO -

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CONTENTS

- 1) PROJECT BRIEF
- 2) THE ARCHAEOLOGICAL IMPACT ASSESSMENT
- 3) IMAGE GALLERY
- 4) CONCLUSION
- 5) RECOMMENDATIONS
- 6) ACKNOWLEDGEMENTS
- 7) APPENDIX 1:
SCHEMATIC OUTLINE of the PRE-HISTORIC and HISTORIC PERIODS
- 8) APPENDIX 2:
EXTRACTS from the NATIONAL HERITAGE RESOURCES ACT (No 25 of 1999)

1) PROJECT BRIEF

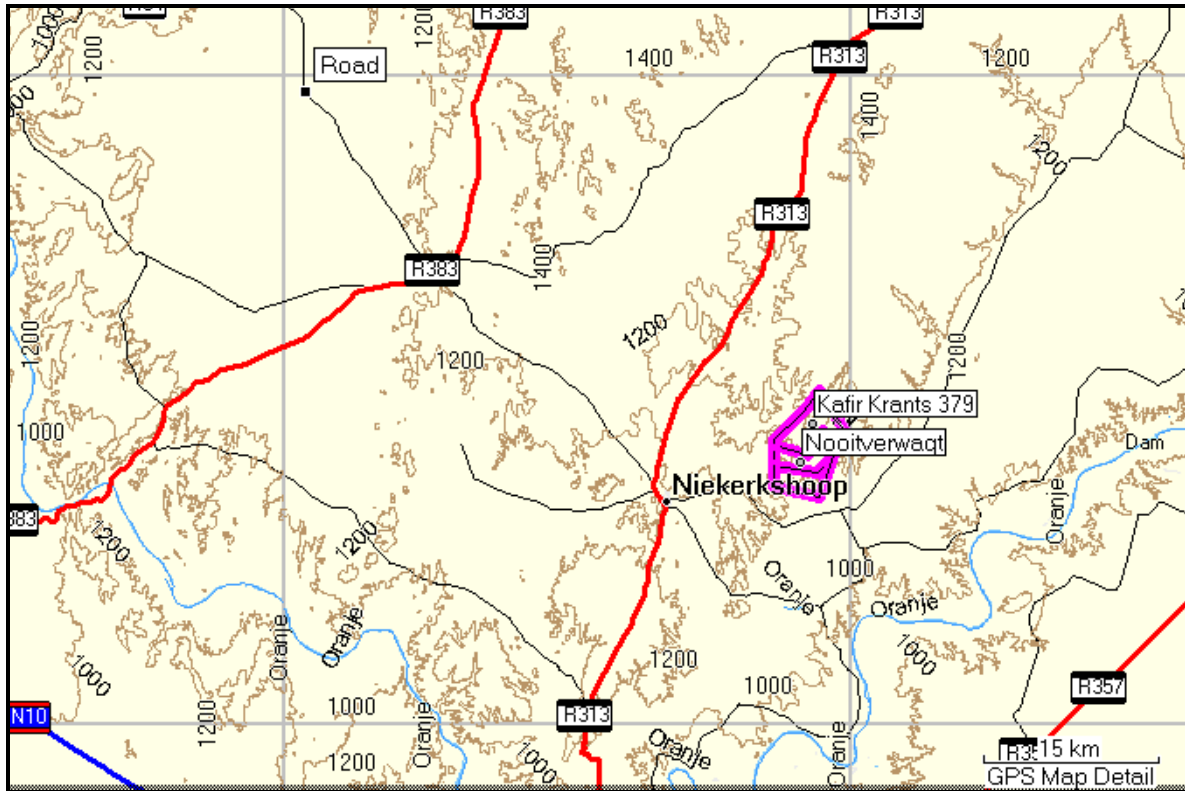
The National Museum Bloemfontein, Archaeology Contracts Office, was contracted by the developer, P.J. Smit, Jr, to conduct a Phase 1 Archaeological Impact Assessment. The assessment was requested in compliance with prospecting and mining right environmental requirements as set out in the Mineral and Petroleum Resources Development Act, No 28 of 2002, represented by the Department of Minerals and Energy (DME), the particulars of which are described in the National Environmental Management Act, No 107 of 1998, represented by the Department of Economic and Environmental Affairs and Tourism (DEEAT) and the National Heritage Resources Act, No 25 of 1999, represented by the South African Heritage Resources Agency (SAHRA).

The assessment was requested prior to the developers' application to DME; no DME or SAHRA Ref. no's thus exist.

This document reports on the findings of the Archaeological Impact Assessment.

PROPERTY DESCRIPTION:

The proposed development is situated on the Nooitverwagt portion of the farm Kafir Krants 379, Hay District, Northern Cape (1:50,000 map reference: 2922BD).



MAP 1: General location of the Nooitverwagt portion of the farm Kafir Krants 379, Hay District, Northern Cape (1:50,000 map ref 2922BD)

DEVELOPMENT IMPACT:

The developer intends to apply for two 1.5ha tigers' eye mining permits on the approximate 880ha property known as Nooitverwagt, a portion of the 3,496ha farm Kafir Krants 379.

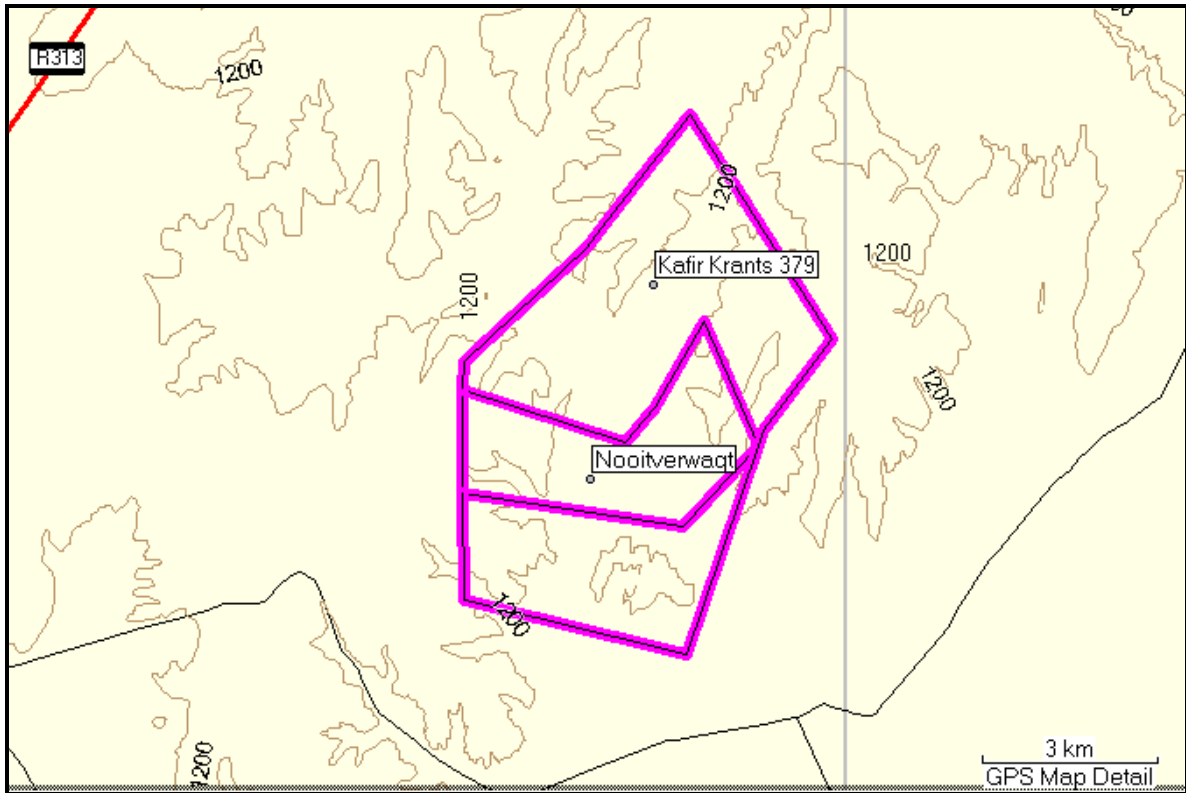
Mining will be done manually (pick and shovel), by small mining crews consisting of 3-50 crewmembers. Rehabilitation will form an integrated part of the mining method; where possible sides will be rehabilitated immediately as mining progress. Existing farm roads will be utilised during mining operations.

2) THE ARCHAEOLOGICAL IMPACT ASSESSMENT

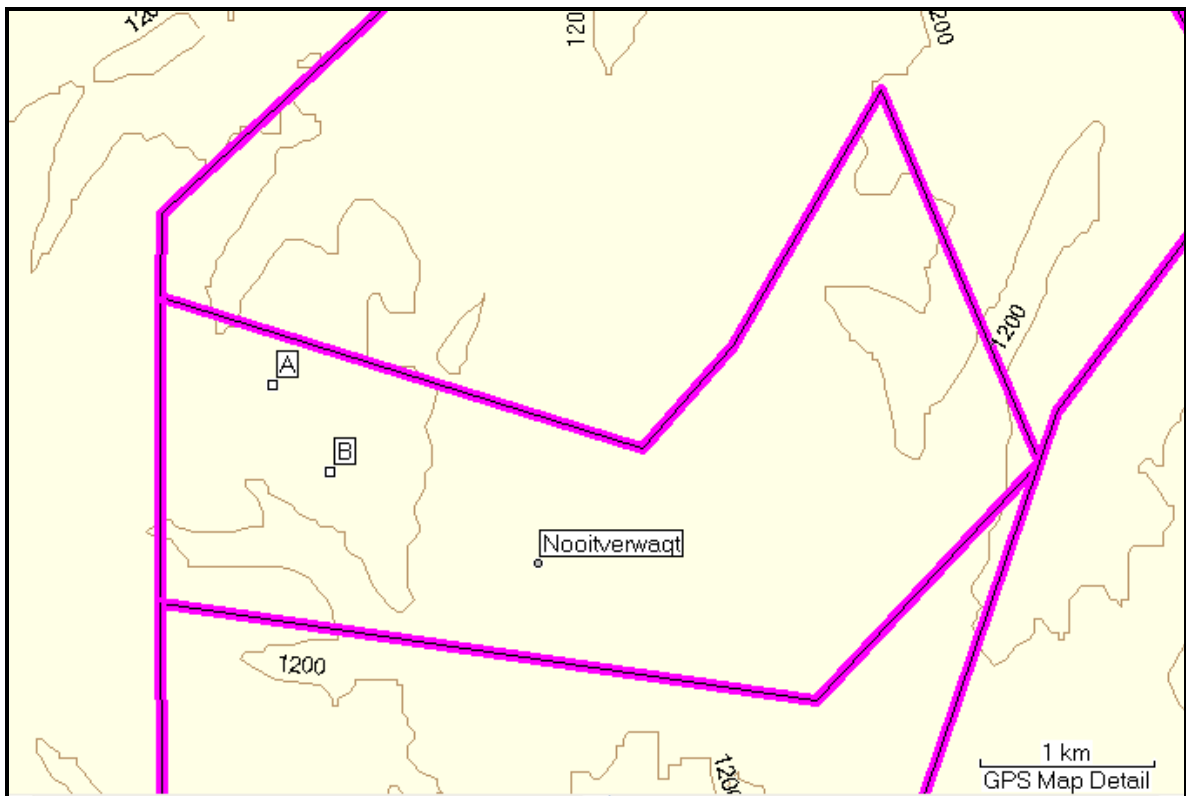
I visited the site on 2006-08-02. The assessment was limited to a Phase 1 surface survey done by foot. No excavation or sub-surface testing was done since a permit from SAHRA is required to do so. Sub-surface interpretations are based on inspected existing open mining sections. GPS co-ordinates were taken with a Garmin e-trex vista GPS (3-8 m error margin). Photographic documentation was done with a Casio exilim EX-S2 camera.

The assessment covered:

- i. Existing farm roads; and
- ii. The hill, incorporating both proposed mining sites (indicated on the map as A and B respectively).



MAP 2: Close-up of the property Nooitverwagt, a portion of the farm Kafir Krants 379



MAP 3: Close-up of the 880ha property Nooitverwagt, a portion of the farm Kafir Krants 379, indicating the location of the two proposed 1.5ha mining permit applications A and B

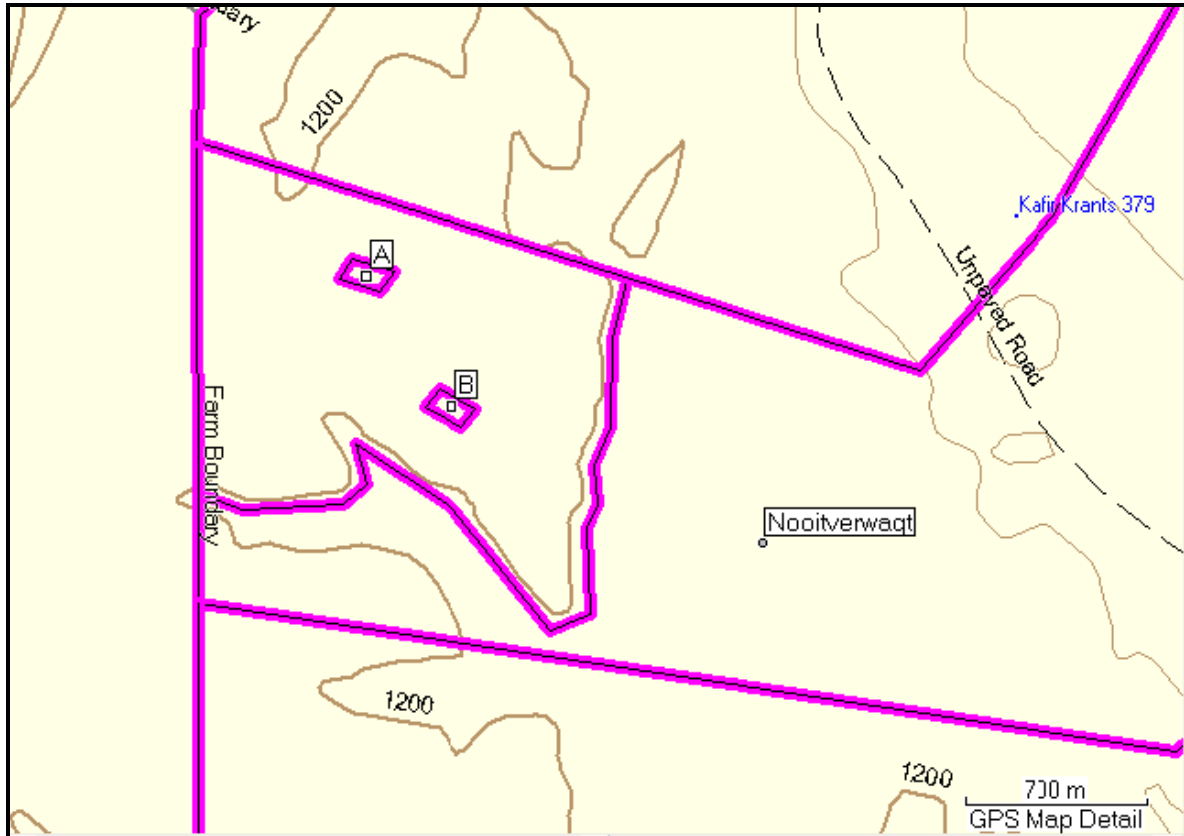
THE ACCESS ROADS

The two proposed 1.5ha tiger's eye developments will make use of existing farm roads, in totality exceeding 300m in length, and thus subject to assessment requirements of the NEMA (1998) and the NHRA (1999).

- No cultural heritage resources as defined and protected by the NHRA (1999) were identified during assessment of the access roads.

THE ASSESSED AREA INCORPORATING PROPOSED MINING AREAS A AND B

Both proposed 1.5ha tigers' eye mining developments would exceed ½ ha. The developments are thus subject to assessment requirements of the NHRA (1999).



MAP 4: Close-up of the western part of Nooitverwagt, indicating the approximate 192ha assessed area on which the proposed two 1.5 ha mining areas A and B will be situated

An approximate 192 ha area incorporating proposed mining area A (1.5ha) and mining area B (1.5ha) was assessed. The assessment focussed on, and covered the hill on which the developments will be situated. Banded ironstone, the geological basal and primary surface material is at intervals intersected by shallow layers or pockets of Hutton sand.

The hill is characterised by a number of digger's pits and dumps, the result of former un-rehabilitated manual mining.

A low density of Stone Age artefacts was identified within the assessed area. Observed artefact ratios (artefacts: m²) approximate 1: 64. Artefacts were restricted to the large flat hilltop with little to no artefact occurrences observed on the slopes of the hill.

Typologically and technologically artefacts can be ascribed to the Middle Stone Age (MSA) Industrial Complex. Stone tools were produced from yellow jasperlite; an indigenous, but not primary raw material to the area. No artefacts were produced from banded ironstone, probably due to the flake-like quality of the local banded ironstone. Observed MSA *fossils directeurs* included a number of bladelets and blades as well as a *Levallois* core. Typologically the majority of artefacts would be classed as irregular scrapers. Limited numbers of cores are ascribed to raw material size.

Artefacts were observed on the exposed basal banded ironstone surface or within shallow Hutton sand pockets.

No faunal or organic material can be associated with the low density surface lithic collection.

- The low quantity of artefacts and their surface / secondary context would prompt me to describe the low density lithic scatter as of *Low Significance* with a *General Protected C* field rating (the site does not require further recording before destruction).

DEVELOPMENT AREA	RECORDED SITES, FIND PLACES AND FEATURES	IMAGE NR	CO-ORDINATES	
			SOUTH	EAST
ASSESSED AREA				
Mining Area A	A1	Image 3	S29° 17.293'	E22° 56.304'
	A2	Image 3	S29° 17.320'	E22° 56.403'
	A3	Image 3	S29° 17.363'	E22° 56.372'
	A4	Image 3	S29° 17.334'	E22° 56.274'
Mining Area B	B1	Image 1 & 2	S29° 17.560'	E22° 56.511'
	B2	Image 1 & 2	S29° 17.603'	E22° 56.598'
	B3	Image 1 & 2	S29° 17.641'	E22° 56.567'
	B4	Image 1 & 2	S29° 17.601'	E22° 56.478'

TABLE 1: GPS co-ordinates of the proposed development area, identified and associated sites and features

3) IMAGE GALLERY



IMAGE 1 & 2: General view of the assessed area, characterised by past un-rehabilitated miner's pits and dumps



IMAGE 3: Mine dumps in the assessed area



IMAGE 4: Characteristic banded ironstone mining debris



IMAGE 5: Exposed mining sections, note the geological banded ironstone also serving as surface material with little to no topsoil



IMAGE 6: MSA artefacts: An irregular scraper and bladelet from the vicinity of proposed mining area A



IMAGE 7: An MSA blade / bladelet, a flake and piece of banded ironstone (bottom right) from the assessed area



IMAGE 8: A *Levallois* core from the assessed area

4) CONCLUSION

Assessment of the approximate 192ha area, incorporating the two 1.5ha proposed mining areas, Area A and Area B, indicated a low presence of MSA lithic artefacts restricted to the plateau. Typologically and technologically artefacts can be classified as MSA, with a number of MSA *fossils directeurs* present including a *Levallois* core and a number of artefacts produced from prepared flake and blade technology. The majority of artefacts would however be classed as irregular scrapers and flakes. No associated faunal or organic material was observed.

Stone tools were exposed on the geological basal banded ironstone surface or within shallow pockets of Hutton sand.

The low quantity of artefacts in association with their secondary / surface context would render the occurrence as of *Low Significance* with a *General Protected C* field rating (the site does not require further recording before destruction).

Apart from the above-mentioned low density MSA lithic artefact scatter no built structures older than 60 years, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict, cultural landscapes or views or palaeontological deposits that require protection under the NHRA (1999) have been identified.

5) RECOMMENDATIONS

The location of the two proposed 1.5ha mining areas A and B is situated within the assessed 192ha area.

I would recommend that development in the assessed area proceed without the developer having to apply for a destruction permit.

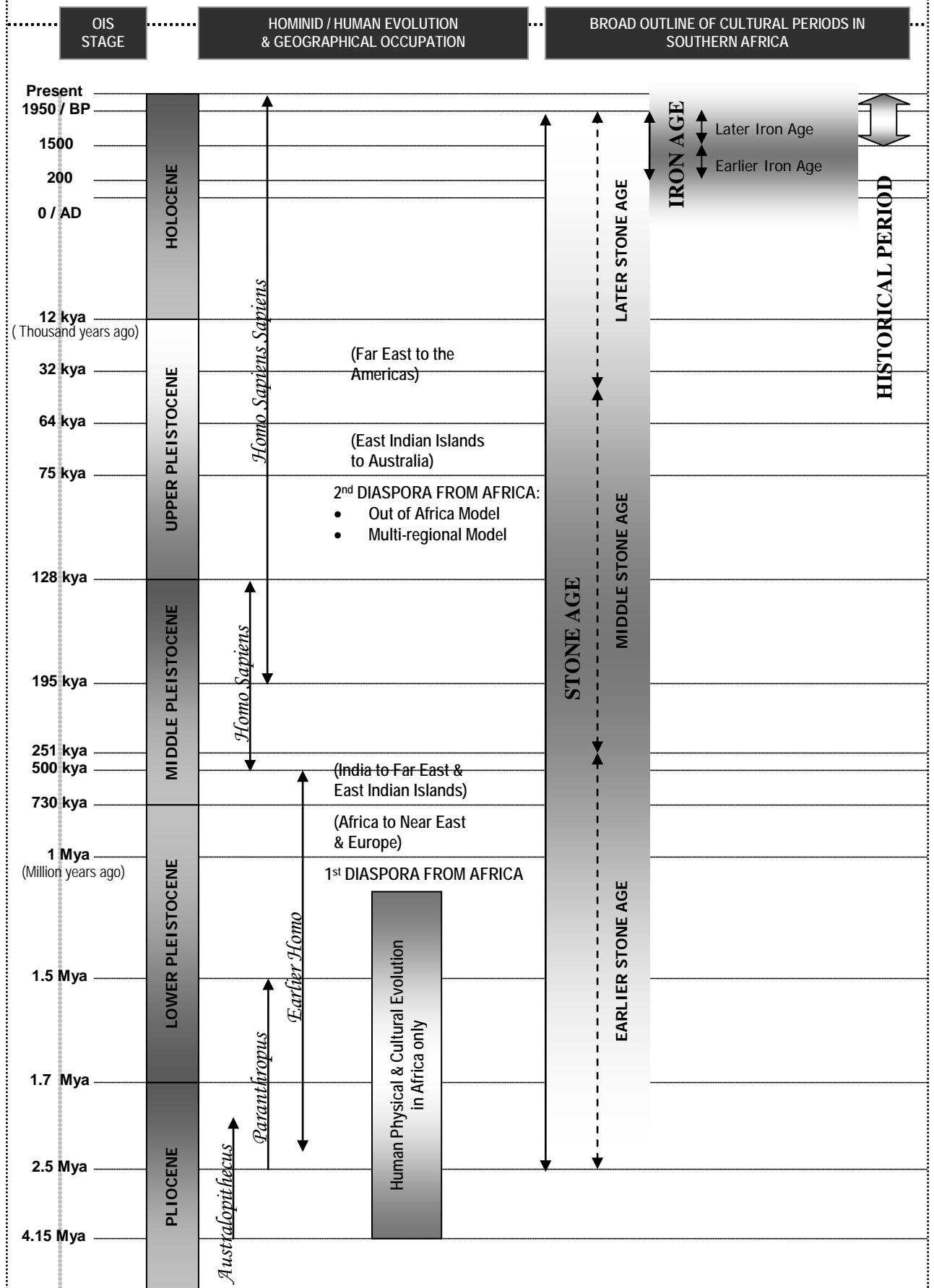
6) ACKNOWLEDGEMENTS

I would like to thank Lukie Fourie for accompanying me to the site and for supplying development and on site information.

NOTE: Should the developer encounter any heritage resources, not reported on in this report, and as defined and protected by the NHRA (1999) during the course of development, the developer should immediately cease operation in the immediate vicinity and report the site to SAHRA or an ASAPA accredited CRM archaeologist.



Schematic Outline of the Pre-historic and Historic Periods



NATIONAL HERITAGE RESOURCES ACT (NO 25 OF 1999)

DEFINITIONS

Section 2

In this Act, unless the context requires otherwise:

- ii. *"Archaeological"* means –
 - a) material remains resulting from human activity which are in a state of disuse and are in or on land and which are older than 100 years, including artefacts, human and hominid remains and artificial features and structures;
 - b) rock art, being any form of painting, engraving or other graphic representation on a fixed rock surface or loose rock or stone, which was executed by human agency and which is older than 100 years, including any area within 10 m of such representation;
 - c) wrecks, being any vessel or aircraft, or any part thereof, which was wrecked in South Africa, whether on land, in the internal waters, the territorial waters or in the maritime culture zone of the Republic, ... and any cargo, debris, or artefacts found or associated therewith, which is older than 60 years or which SAHRA considers to be worthy of conservation.
- viii. *"Development"* means any physical intervention, excavation or action, other than those caused by natural forces, which may in the opinion of a heritage authority in any way result in a change to the nature, appearance or physical nature of a place, or influence its stability and future well-being, including –
 - a) construction, alteration, demolition, removal or change of use of a place or structure at a place;
 - b) carrying out any works on or over or under a place;
 - c) subdivision or consolidation of land comprising, a place, including the structures or airspace of a place;
 - d) constructing or putting up for display signs or hoardings;
 - e) any change to the natural or existing condition or topography of land; and
 - f) any removal or destruction of trees, or removal of vegetation or topsoil;
- xiii. *"Grave"* means a place of interment and includes the contents, headstone or other marker of such a place, and any other structure on or associated with such place;
- xxi. *"Living heritage"* means the intangible aspects of inherited culture, and may include –
 - a) cultural tradition;
 - b) oral history;
 - c) performance;
 - d) ritual;
 - e) popular memory;
 - f) skills and techniques;
 - g) indigenous knowledge systems; and
 - h) the holistic approach to nature, society and social relationships.
- xxxi. *"Palaeontological"* means any fossilised remains or fossil trace of animals or plants which lived in the geological past, other than fossil fuels or fossiliferous rock intended for industrial use, and any site which contains such fossilised remains or trances;
- xli. *"Site"* means any area of land, including land covered by water, and including any structures or objects thereon;
- xliv. *"Structure"* means any building, works, device or other facility made by people and which is fixed to land, and includes any fixtures, fittings and equipment associated therewith;

NATIONAL ESTATE

Section 3

- 1) For the purposes of this Act, those heritage resources of South Africa which are of cultural significance or other special value for the present community and for future generations must be considered part of the national estate and fall within the sphere of operations of heritage resources authorities.
- 2) Without limiting the generality of subsection 1), the national estate may include –
 - a) places, buildings, structures and equipment of cultural significance;
 - b) places to which oral traditions are attached or which are associated with living heritage;
 - c) historical settlements and townscapes;
 - d) landscapes and natural features of cultural significance;
 - e) geological sites of scientific or cultural importance
 - f) archaeological and palaeontological sites;
 - g) graves and burial grounds, including –
 - i. ancestral graves;
 - ii. royal graves and graves of traditional leaders;
 - iii. graves of victims of conflict
 - iv. graves of individuals designated by the Minister by notice in the Gazette;
 - v. historical graves and cemeteries; and
 - vi. other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No 65 of 1983)
 - h) sites of significance relating to the history of slavery in South Africa;

- i) movable objects, including –
 - i. objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
 - ii. objects to which oral traditions are attached or which are associated with living heritage;
 - iii. ethnographic art and objects;
 - iv. military objects;
 - v. objects of decorative or fine art;
 - vi. objects of scientific or technological interest; and
 - vii. books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1 xiv) of the National Archives of South Africa Act, 1996 (Act No 43 of 1996).

STRUCTURES

Section 34

- 1) No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.

ARCHAEOLOGY, PALAEOLOGY AND METEORITES

Section 35

- 3) Any person who discovers archaeological or palaeontological objects or material or a meteorite in the course of development or agricultural activity must immediately report the find to the responsible heritage resources authority, or to the nearest local authority offices or museum, which must immediately notify such heritage resources authority.
- 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 assists in the detection or recovery of metals or archaeological and palaeontological material or objects, or use such equipment for the recovery of meteorites.
- 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 procedure 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.
- 6) The responsible heritage resources authority may, after consultation with the owner of the land on which an archaeological or palaeontological site or meteorite is situated, serve a notice on the owner or any other controlling authority, to prevent activities within a specified distance from such site or meteorite.

BURIAL GROUNDS AND GRAVES

Section 36

- 3) 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.
- 4) SAHRA or a provincial heritage resources authority may not issue a permit for the destruction of any burial ground or grave referred to in subsection 3a) unless it is satisfied that the applicant has made satisfactory arrangements for the exhumation and re-interment of the contents of such graves, at the cost of the applicant and in accordance with any regulations made by the responsible heritage resources authority.
- 5) SAHRA or a provincial heritage resources authority may not issue a permit for any activity under subsection 3b) unless it is satisfied that the applicant has, in accordance with regulations made by the responsible heritage resources authority –
 - a) made a concerted effort to contact and consult communities and individuals who by tradition have an interest in such grave or burial ground; and

- b) reached agreements with such communities and individuals regarding the future of such grave or burial ground.
- 6) Subject to the provision of any other law, any person who in the course of development or any other activity discovers the location of a grave, the existence of which was previously unknown, must immediately cease such activity and report the discovery to the responsible heritage resources authority which must, in co-operation with the South African Police Service and in accordance with regulations of the responsible heritage resources authority –
 - a) carry out an investigation for the purpose of obtaining information on whether or not such grave is protected in terms of this Act or is of significance to any community; and
 - b) if such grave is protected or is of significance, assist any person who or community which is a direct descendant to make arrangements for the exhumation and re-interment of the contents of such grave or, in the absence of such person or community, make any such arrangements as it deems fit.

HERITAGE RESOURCES MANAGEMENT

Section 38

- 1) Subject to the provisions of subsections 7), 8) and 9), any person who intends to undertake a development categorised as –
 - a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300 m in length;
 - b) the construction of a bridge or similar structure exceeding 50 m in length;
 - c) any development or other activity which will change the character of a site –
 - i. exceeding 5 000 m² in extent; or
 - ii. involving three or more existing erven or subdivisions thereof; or
 - iii. involving three or more erven or subdivisions thereof which have been consolidated within the past five years; or
 - iv. the costs which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
 - d) the rezoning of a site exceeding 10 000 m² in extent; or
 - e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,
 must at 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.
- 2) The responsible heritage resources authority must, within 14 days of receipt of a notification in terms of subsection 1) –
 - a) if there is reason to believe that heritage resources will be affected by such development, notify the person who intends to undertake the development to submit an impact assessment report. Such report must be compiled at the cost of the person proposing the development, by a person or persons approved by the responsible heritage resources authority with relevant qualifications and experience and professional standing in heritage resources management; or
 - b) notify the person concerned that this section does not apply.
- 3) The responsible heritage resources authority must specify the information to be provided in a report required in terms of subsection 2a) ...
- 4) The report must be considered timeously by the responsible heritage resources authority which must, after consultation with the person proposing the development decide –
 - a) whether or not the development may proceed;
 - b) any limitations or conditions to be applied to the development;
 - c) what general protections in terms of this Act apply, and what formal protections may be applied, to such heritage resources;
 - d) whether compensatory action is required in respect of any heritage resources damaged or destroyed as a result of the development; and
 - e) whether the appointment of specialists is required as a condition of approval of the proposal.

APPOINTMENT AND POWERS OF HERITAGE INSPECTORS

Section 50

- 7) Subject to the provision of any other law, a heritage inspector or any other person authorised by a heritage resources authority in writing, may at all reasonable times enter upon any land or premises for the purpose of inspecting any heritage resource protected in terms of the provisions of this Act, or any other property in respect of which the heritage resources authority is exercising its functions and powers in terms of this Act, and may take photographs, make measurements and sketches and use any other means of recording information necessary for the purposes of this Act.
- 8) A heritage inspector may at any time inspect work being done under a permit issued in terms of this Act and may for that purpose at all reasonable times enter any place protected in terms of this Act.
- 9) Where a heritage inspector has reasonable grounds to suspect that an offence in terms of this Act has been, is being, or is about to be committed, the heritage inspector may with such assistance as he or she thinks necessary –
 - a) enter and search any place, premises, vehicle, vessel or craft, and for that purpose stop and detain any vehicle, vessel or craft, in or on which the heritage inspector believes, on reasonable grounds, there is evidence related to that offence;
 - b) confiscate and detain any heritage resource or evidence concerned with the commission of the offence pending any further order from the responsible heritage resources authority; and
 - c) take such action as is reasonably necessary to prevent the commission of an offence in terms of this Act.

- 10) A heritage inspector may, if there is reason to believe that any work is being done or any action is being taken in contravention of this Act or the conditions of a permit issued in terms of this Act, order the immediate cessation of such work or action pending any further order from the responsible heritage resources authority