
**Cultural Resources Management Impact Assessment:
ERF 1, VAALHARTS NEDERSETTING B, BARKLY-WEST DISTRICT,
NORTHERN CAPE, SOUTH AFRICA**

2005-12-12



McGREGOR MUSEUM, KIMBERLEY

Our Ref: 2724DC 2005.001

DME Ref: 30/5/1/1/3/2/1/284 EM
30/5/1/3/3/2/1/208 EM
30/5/1/3/3/2/1/290 EM

SAHRA Ref: 9/2/008/0001

**Cultural Resources Management Impact Assessment:
ERF 1, VAALHARTS NEDERSETTING B, BARKLY-WEST DISTRICT,
NORTHERN CAPE, SOUTH AFRICA**

REPORT TO –

LOUIS OLIVIER
JESTVET 1290
Tel: 082 948 2111; Fax: (053) 474 0620; P.O. Box 789, Hartswater, 8570; E-mail: lolivier@vhatrs.co.za

ATTENTION –

MARY LESLIE
SOUTH AFRICAN HERITAGE RESOURCES AGENCY (SAHRA)
Tel: (021) 462 4502; Fax: (021) 462 4509; P.O. Box 4637, Cape Town, 8000; E-mail: mleslie@sahra.org.za

PREPARED BY –

KAREN VAN RYNEVELD
McGREGOR MUSEUM, ARCHAEOLOGY DEPARTMENT, CRM UNIT
Tel: (053) 839 2700 / 084 871 1064; Fax: (053) 842 1433; P.O. Box 316, Kimberley, 8300; E-mail: karen@museumsnc.co.za

Contents

- 1) PROJECT BRIEF
- 2) THE CRM ASSESSMENT
- 3) IMAGE GALLERY
- 4) INTERPRETATION
- 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 McGregor Museum CRM Unit was contracted by the developer and land owner, Jestvet 1290, to conduct a Phase 1 Cultural Resources Management (CRM) impact assessment. The impact 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 Environmental Affairs & Tourism (DEAT) and the National Heritage Resources Act, No 25 of 1999, represented by the South African Heritage Resources Agency (SAHRA).

This document reports on the findings of the CRM assessment.

PROPERTY DESCRIPTION:

The proposed development is situated on Erf 1, Vaalharts Nedersetting B, Barkly-West district, Northern Cape (1:50,000 map reference 2724).

DEVELOPMENT IMPACT:

Proposed development, core and bulk prospecting and mining, with the intent to develop diamondiferous mineral deposits on the property, have been applied for in 3 separate applications cumulatively comprising the approximate 60 ha assessed area. Development will initially focus on a 1.5 ha area (VH001). Depending on development results within this area development will be expanded to comprise the total of the 60 ha area.

Core prospecting will impact on surface areas not exceeding 30 x 30 cm, impact will thus be limited. Bulk prospecting and mining impact will be total and will result in damage to, or the loss of, cultural heritage resources and associated context information. Impact will thus be destructive to identified surface and sub-surface sites as defined and protected by the NHRA (1999).

Four recently opened back-actor pits are present in the area; the result of gravel quarrying in an attempt to rehabilitate existing roads on the property.

CRM ASSESSMENT METHODOLOGY:

One McGregor Museum CRM Unit staff member visited the area on 2005-12-06. The assessment was limited to a Phase 1 surface survey, done by foot and vehicle. No excavation or sub-surface testing was done since a permit from SAHRA is required to do so. 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. The 60 ha cumulative development area, and
- ii. Relevant access roads.

2) The CRM Assessment

CRM ASSESSMENT AREA:

The proposed 60 ha development is situated approximately 10 km west of Hartswater in the Barkly-West district, Northern Cape. The assessed area can be defined as between line A B (eastern demarcation), the tarmac road (south western demarcation) and the Harts River (north western demarcation).

CRM ASSESSMENT FINDINGS:

LATER STONE AGE SITE – VHN01

Four existing back-actor quarry pits exist in the area. Inspection of these pits provided sub-surface information on a Later Stone Age deposit that seems to run continuously throughout the approximate 5 ha area defined by pits VH001-VH004, and may by inference extend beyond this demarcation. The site is situated within a Hutton/ rough river sand context. The assemblage is characterised by a couple of larger flake tools in association with small cores and macro- and microlithic LSA tools. The deposits' depth varies between 0.4 and 2.5 m in depth. A part of the deposit is exposed on the surface between VH001 and VH002. Artefacts are produced from a mixed, but generally siliceous raw material. A number of dolomite, quartzite and hornfels tools have been observed, but largely

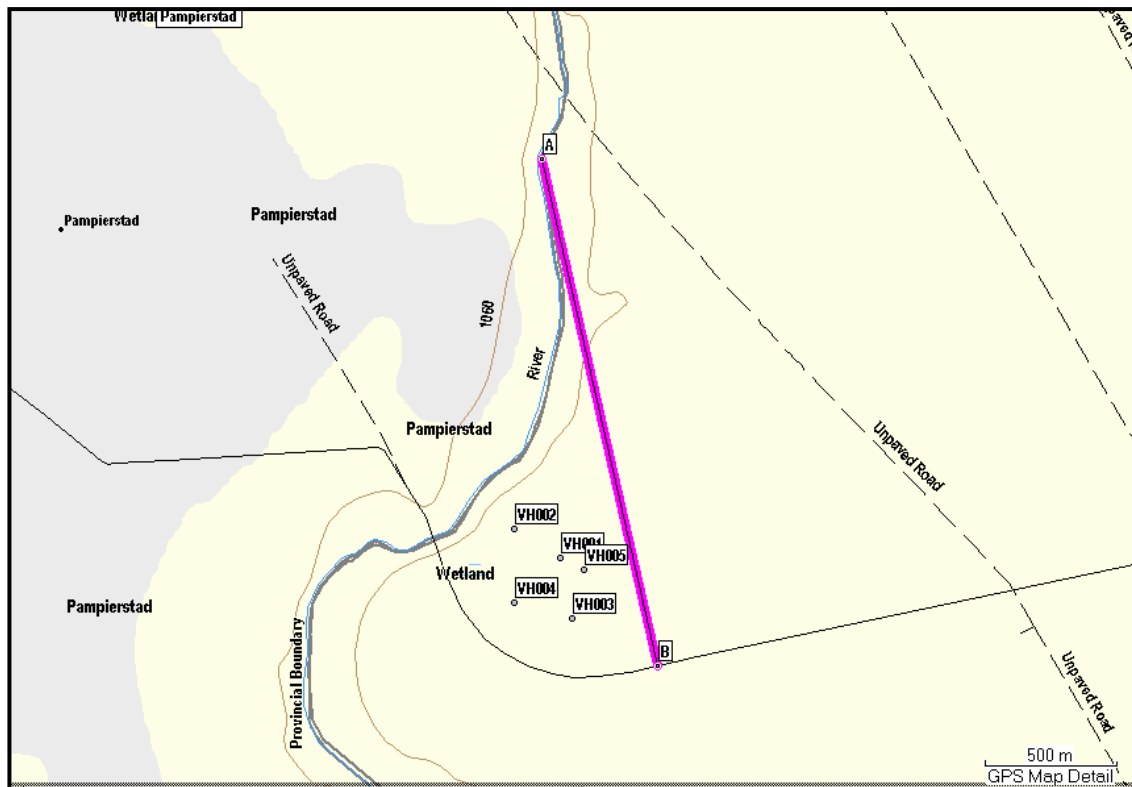
restricted to production of larger flakes / tools. Artefact ratios (artefacts: m²) recorded in *in situ* section at VH001 are ≥ 10:1. Artefact ratios recorded in the surface exposure between VH001 and VH002 approximated 15:1.

- The site is of medium significance and can be assigned a General Protection A status, implying Phase 2 mitigation prior to destruction / development.

HISTORIC SITE – VHNB02

VH005 identifies the locality of a housing compound foundation. The structure was erected in the late 1970's early 1980's to provide accommodation for labourers working on the existing tarmac road. Cement foundations and modern brick work attests to the late date for the site.

- The structure is younger than 60 years and thus not protected by the NHRA (1999).



MAP 1: Locality of the Erf 1, Vaalharts Nedersetting B development (Extract from 1:50,000 map 2724).

Development section	Recorded sites / findplaces / features	Image nr	Co-ordinates	
			South	East
A			S 27.77404°	E 24.70924°
B			S 27.79131°	E 24.71369°
	LSA site - VHNB01			
	VH001		S 27.78764°	E 24.70991°
	VH002		S 27.78667°	E 24.70815°
	VH003		S 27.78969°	E 24.71038°
	VH004		S 27.78916°	E 24.70814°
	Historic site - VHNB02			
	VH005		S 27.78806°	E 24.71084°

TABLE 1: GPS co-ordinates of proposed development area M3; identified and associated sites, findplaces and features

Besides the reported sites no other heritage resources as defined and protected by the NHRA (1999) inclusive of archaeological, palaeontological and meteorite sites, built structures older than 60 years, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict and cultural landscapes or viewsapes have been identified during assessment of the proposed development area.

3) Image Gallery



IMAGE 1: General view of quarry pit VH001



IMAGE 2: Section at quarry pit VH001 indicating the position of the LSA member within the stratigraphy



IMAGE 3: LSA artefacts in section rubble from VH001



IMAGE 4: Artefacts from VH001



IMAGE 5: View of quarry pit VH002 with *in situ* sections



IMAGE 6: Section at quarry pit VH002 indicating the position of the LSA member within the stratigraphy



IMAGE 7: Section at quarry pit VH003 indicating the position of the LSA member within the stratigraphy



IMAGE 9: VH005 historic structure

IMAGE 8: Section at quarry pit VH004 indicating the position of the LSA member within the stratigraphy



IMAGE 10: VH005 historic structure foundations

4) Interpretation

Later Stone Age occupation of the area is evidenced by a distinguished member running sub-surface at varying depths (0.4 – 2.5 m) and extending across an identified minimum *in situ* sub-surface (and surface) area of 5 ha. The site is characterised by LSA lithic artefacts made predominantly on siliceous raw material in a Hutton / rough river sand context. The site is protected under the terms of the NHRA (1999), of medium significance and can be assigned a General protection A status.

Later anthropic presence on the property is evidenced by historic structure foundations. The site is not of historic significance and construction does not predate 60 years. The site is thus not protected by the NHRA (1999).

5) Recommendations

LATER STONE AGE SITE – VHNB01 (National Site Number pending)

Considering the small regional impact of the proposed 1.5 ha initial development in the vicinity of quarry pit VH001, on identified LSA site VHNB01 (minimum site extend – 5 ha), I would recommend that the 1.5 ha development proceeds as applied for. In the event of, and prior to the development extending to the remainder of the 60 ha development area the developer should ensure that necessary Phase 2 mitigation as approved / prescribed by SAHRA precedes development.

McGREGOR MUSEUM PHASE 2 MITIGATION RECOMMENDATIONS

VHNB01

- i. One excavation $\geq 49 \text{ m}^2$ to salvage a representative sample of the identified LSA assemblage.
- ii. Test pitting / monitoring of mining sections to determine site extent of the identified LSA assemblage.

HISTORIC SITE – VHNB02

The identified historic site is not of significance and does not predate 60 years. The site is thus not protected by the NHRA (1999). I would recommend that destruction of the site due to development proceeds without the developer having to apply for a destruction permit.

6) Acknowledgements

I would like to thank developer and landowner, Louis Olivier (Jestvet 1290), for accompanying me to the site and supplying on site information.

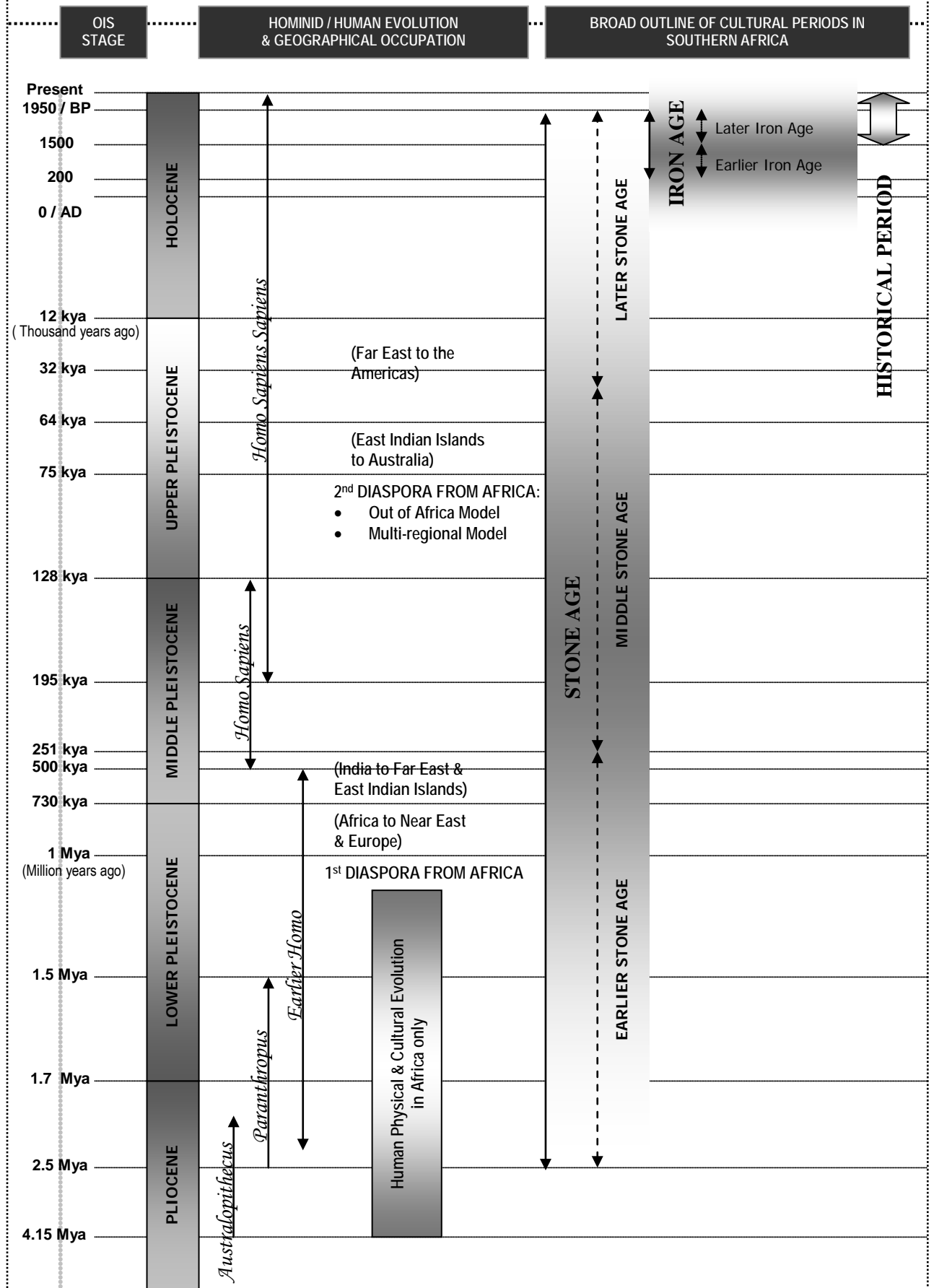
NOTE: Should the developer encounter any heritage resources, not reported on in this report, and as defined and protected by the NHRA (1999) during the course of development, the developer should immediately cease operation in the immediate vicinity and report the site to SAHRA or an ASAPA accredited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

It remains the responsibility of the developer to timeously contract, and make arrangements for Phase 2 archaeological mitigation work. Phase 2 archaeological mitigation may only be done under a permit issued by SAHRA to an ASAPA accredited CRM archaeologist with a minimum of a Field Director status. The SAHRA permit review committee is allowed an 8 week period in which to review permit applications.

In the event of a prospecting / mining right lease or sales agreement between the current and a new developer, the current developer to ensure that heritage requirements are negotiated to the new developer, a copy of which should be submitted to SAHRA and DME.

Name	Designation	ASAPA CRM Accreditation
David Morris	Head of Archaeology	Principal Investigator
Karen van Ryneveld	Archaeologist	Field Director

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 trace;
- 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-internment 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.