

Our Ref:



an agency of the  
Department of Arts and Culture

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CaseID: 12528

Date: Friday January 25, 2019  
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## Letter

### In terms of Section 38(3) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Sishen Iron Ore Company (Pty) Ltd - Sishen Mine

#### **Sishen Iron Ore Company (Pty) Ltd upgrading the existing DMS processing plant at Sishen Mine, Kathu in the Northern Cape.**

EXM Advisory Services has been appointed by Sishen Iron Ore Company (Pty) Ltd to conduct an Environmental Authorisation Application for the proposed upgrading of the existing DMS Plant at Sishen Mine near Kathu, Northern Cape.

A Final Environmental Impact Assessment (EIA) and Environmental Management Programme (EMPr) have been submitted to SAHRA in terms of the National Environmental Management Act, 1998 (NEMA) and the EIA Regulations as part of a section 102 application in terms of the Mineral and Petroleum Resources Development Act, 2002 (MPRDA)(As amended). The upgrade will include modifications to some components of mine infrastructure and include additional conveyors. The entire development is located within a highly disturbed mining area.

The EIA notes that no heritage resources will be impacted by the development, however no assessment of heritage resources has been submitted as per section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA). The SAHRA 2006 SAHRA 2006 Minimum Standards: Archaeological and Palaeontological Component of Impact Assessments and SAHRA 2012 Minimum Standards: Palaeontological Component of Heritage Impact Assessments makes reference to a Letter of Recommendation for Exemption that is to be submitted if there is no likelihood that heritage sites will be impacted. No such letter has been submitted as part of the EA application.

In a Final Comment issued on the 27/06/2018, SAHRA stated that the proposed developed could not be endorsed as no assessment of heritage resources that complies with section 38(3) of the NHRA has been submitted as part of the EA application. Additionally, as per section 38(8) of the NHRA, SAHRA therefore advised the Department of Environmental Affairs (DEA) and the Department of Mineral Resources (DMR) to reject the application to upgrade existing DMS processing plant at Sishen Mine, Kathu in the Northern Cape (NC 30/5/1/2/3/2/1/ (259) MR).

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EXM Advisory Services responded to the Final Comment in a letter noting that no new footprint areas at Sishen Mine would be disturbed as a result of the proposed development and requested that the development be exempted from the requirement for a Heritage Impact Assessment.

In a Letter issued on the 28/09/2018, SAHRA responded to the letter submitted by the applicant with the following:

*The response letter to SAHRAs Final Comment is noted, however the Final Comment issued on 27/06/2018 still stands.*

*SAHRA was first included in the EA Application process once the EIA was finalised. Had SAHRA been notified and an application created during the draft Scoping Phase, the applicant would have been advised of the requirements to comply with section 38 of the NHRA very early on in the application process.*

*Should the applicant wish to comply with section 38 of the NHRA, a Letter of Recommendation for Exemption, as provided for in the Minimum Standards noted above, drafted by a relevant heritage specialist may be submitted for review. Any comments issued on such a document would need to be forwarded directly to the competent authority for consideration during the decision making process. The applicant is reminded that during an application conducted as per section 38(8) of the NHRA, SAHRA is only a commenting authority, not a decision making authority. The decision regarding the EA application lies with the DEA and/or DMR.*

Since the issuing of the Letter, a Heritage Impact Assessment (HIA) has been submitted to the case. PGS Heritage was appointed to provide the HIA.

*Birkholtz, P. 2018. Heritage Impact Assessment – Proposed DMS Upgrade Project at the Sishen Mine.*

No archaeological or heritage sites of significance were identified as part of the HIA, which included a field visit, review of historical aerial photograph and a detailed literature review. A recommendation provided in the report includes that should the development footprints change or be altered in any way; these changes must be assessed in the field by a heritage specialist / archaeologist before construction commences. No assessment or recommendations regarding palaeontological resources are provided in the report.

## **Interim Comment**

The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit notes the submitted HIA and accepts the

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findings and recommendations provided therein. However, the proposed development is located within an area of High sensitivity in terms of palaeontological resources as shown on the PalaeoSensitivity map on SAHRIS. The protocol of the PalaeoSensitivity map states that if the development is located within an area of high sensitivity, either a desktop Palaeontological study or a Palaeontological Impact Assessment is to be conducted.

As noted in the Final Comment issued on the 27/06/2018 and the Letter issued on the 28/08/2018, the SAHRA 2012 Minimum Standards: Palaeontological Component of Heritage Impact Assessments makes reference to a Letter of Recommendation for Exemption that is to be submitted if there is no likelihood that heritage sites will be impacted.

SAHRA awaits the above Letter of Recommendation for Exemption completed by a qualified palaeontologist to be submitted before further comments can be issued.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

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Natasha Higgitt  
Heritage Officer  
South African Heritage Resources Agency

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Phillip Hine  
Acting Manager: Archaeology, Palaeontology and Meteorites Unit

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**ADMIN:**

Direct URL to case: <http://www.sahra.org.za/node/504776>