

Our Ref:



an agency of the
Department of Arts and Culture

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CaseID: 13238

Date: Friday October 04, 2019
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Final Comment

In terms of Section 38(4), 38(8) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Mr Peter Mandla Maphanga

An application for prospecting on portion 1 of Schmidtsdrift 248 was lodged with the DMR. The commodity of interest are diamonds and diamonds general. Heritage Impact Assessment was conducted, including Palaeontological Impact Assessment. No activities have commenced on the application area yet.

Zandile Dwane was appointed as the Environmental Assessment Practitioner (EAP) by Nyezi Holdings (Pty) Ltd to conduct an Environmental Authorisation (EA) Application and Prospecting Right Application for proposed prospecting activities on Portion 1 of the farm Schmidtsdrift 248, near Douglas, Northern Cape Province (NC 30/5/1/1/2/12076 PR).

SAHRA has previously commented on this application (see <https://sahris.sahra.org.za/node/521385>). SAHRA has also lodged an appeal against the issuing of the EA in October 2018, which was upheld by the Minister of Environmental Affairs. The appeal decision stated that SAHRA was to consider the submitted Heritage reports so that a revised EA process could be followed. The comment issued on 05/03/2019 reviewed the submitted heritage reports and stated that the reports had not complied with section 38(3) of the National Heritage Resources Act, Act 25 of 1999 (NHRA), nor had the prospecting area been satisfactorily surveyed, the results of the Heritage Impact Assessment (HIA) had not been correctly incorporated into the EIA, and that a field based Palaeontological Impact Assessment (PIA) had not been conducted. SAHRA could not accept the assessment of heritage resources for the prospecting activities on portion 1 of the farm Schmidtsdrift 248 (NC 30/5/1/1/2/12076 PR).

Since the issuing of the previous Interim Comment, a new HIA and revised PIA have been submitted along with a revised EIA.

Bamford, M. 2019. Palaeontological Impact Assessment for the proposed mine prospecting application for Farm Schmidtsdrif 248 portion 1, Herbert District, Northern Cape Province.

The revised report noted that the proposed development area is underlain by the Vryburg and Schmidtsdrift Formations that do not contain fossils. The Boomplaas Member of the Schmidtsdrift Formation however does



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contain stromatolitic and oolitic platform carbonates so there is a small chance that microscopic algae may have been preserved. These rocks are overlain by Kalahari superficial deposits that may contain fossils such as early Karoo plants and invertebrates. A Chance Fossil Finds Procedure is recommended and provided in the report. It must be noted that no field assessment was undertaken.

Matenga, E. 2019. Phase I Heritage Impact Assessment requested in terms of section 38 of the National Heritage Resources Act No 25/1999 for the proposed Prospecting and Mining Rights on the farm Jakhalsfontein (Portion 1 of the farm Schimtdsdrift 248) near Schimtdsdrift, Northern Cape.

This report identified 39 heritage sites that included four burial grounds of high significance, 21 sites of medium significance that include Stone Age surface occurrences and stone-walled structures (some from the historical period and an old dam), 11 heritage sites of low significance which include remnants of military activities possibly linked to the SADF military base. Three sites of the 39 include “danger sites” that include an unexploded rifle grenade. The report also noted that members of the 31 Battalion had been relocated to a tent town to the south of the project area.

The HIA noted that the results of the previous Heritage assessment by Morris had been incorporated into the current report. The report has also been subjected to a public participation process that started on the 11th July 2019 and will end on the 11th August 2019. The report includes attendance registers of two public participation meetings held on the 4th and 7th of July 2019, however no minutes of the meeting have been provided.

In an Interim Comment issued on the 12/08/2019, SAHRA stated that comments could not be provided on the HIA until the results of the public participation process (11 July – 11 August 2019) had been incorporated into the report. Additionally, SAHRA requested that the HIA be revised to incorporate the results of the previous HIA conducted by Morris as it appears that some sites have been omitted. Furthermore, SAHRA requested that a field-based PIA be conducted.

Bamford, M. 2019. Palaeontological Impact Assessment for the proposed mine prospecting application for Farm Schimtdsdrif 248 portion 1, Herbert District, Northern Cape Province (Site visit Phase 2).

A field visit was conducted. No other fossils were identified within the proposed development area. The author recommends that the prospecting right be granted.

Matenga, E. 2019. Phase I Heritage Impact Assessment requested in terms of section 38 of the National

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Heritage Resources Act No 25/1999 for the proposed Prospecting and Mining Rights on the farm Jakhalsfontein (Portion 1 of the farm Schmidtsdrift 248) near Schmidtsdrift, Northern Cape (UPDATED).

The HIA has been updated to include the results of the previously conducted HIA (Morris & Louw, 2018) and the minutes of the meetings held on the 4th and 7th July 2019.

Recommendations provided in the report include the following:

- Three (3) sites have potentially dangerous objects (JKF10, JKF13, JKF15); these must be investigated by bomb experts;
- Three (3) sites flagged as possible graves (JKF04, JKF05, JKF08) must be protected;
- One (1) site with stone walls is rated as of high value and worth protecting (JKF36);
- Three (3) sites are considered of medium value but worth protecting (JKF33, JKF37).
- Prof Morris flagged 12 structures (M05 – M09, M11 – M17) associated with early commercial farming activities as such worthy of preservation;
- Monitoring by a qualified archaeologist must be provided for once the extent of proposed prospecting/mining has been determined, which may lead to limited Phase 2 impact assessment;
- As a standard proviso, in the event of discovery of other heritage resources in future phases of the project, the Provincial Heritage Resources Authority or SAHRA must be alerted immediately and an archaeologist or heritage expert called to attend.

Final Comment

The following comments are made as a requirement in terms of section 3(4) of the NEMA Regulations and section 38(8) of the NHRA in the format provided in section 38(4) of the NHRA and must be included in the Final EIA and EMP:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit and the Burial Grounds and Graves (BGG) Unit has no objections to the proposed development;
- 38(4)b – The recommendations provided by the heritage specialists are supported and must be adhered to. Additional specific conditions are provided for the development as follows:
- The three possible grave sites (JKF04, JKF05, JKF08) must be avoided with a no-go bufferzone of 30 m;
- Sites (JKF36, JKF33, JKF37 and M05 – M09, M11 – M17) must be avoided with a no-go bufferzone of

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30 m;

- A Heritage Management Plan (HMP) must be developed and submitted to SAHRA prior to the construction phase commencing. The HMP must provide details regarding the long-term management of heritage sites that are to remain in-situ, including monitoring procedures and reporting programs;
- Monitoring of the construction phase must be conducted by a qualified archaeologist. Once the construction phase is completed, a report detailing the results of the monitoring must be submitted to SAHRA;
- 38(4)c(i) – If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Natasha Higgitt/Phillip Hine 021 462 5402) must be alerted as per section 35(3) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;
- 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Mimi Seetelo 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance with section of the NHRA is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;
- 38(4)d – See section 51(1) of the NHRA;
- 38(4)e – The following conditions apply with regards to the appointment of specialists:
 - i) If heritage resources are uncovered during the course of the development, a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the heritage resource. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA;
- The Final EIA and EMPr must be submitted to SAHRA for record purposes;
- The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.

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

Phillip Hine
Manager: Archaeology, Palaeontology and Meteorites Unit
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/515552>
(DMR, Ref: 12076PR)

Terms & Conditions:

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.