

**PROSPECTING RIGHT APPLICATION TO PROSPECT MANGANESE AND IRON  
ORE ON A PORTION OF REMAINING EXTENT OF FARM 267 NCHWANING  
SITUATED WITHIN THE JOE MOROLONG LOCAL MUNICIPALITY**

Our Ref:



an agency of the  
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za  
South African Heritage Resources Agency | 111 Harrington Street | Cape Town  
P.O. Box 4637 | Cape Town | 8001  
www.sahra.org.za

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Tel: 021 462 4502  
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CaseID: 14280

Date: Friday October 11, 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: Duho Mining

**A prospecting right application has been accepted by the Department of Mineral Resources. The commodities of interest are Iron and Manganese Ores. Comment from the South African Heritage Resource Agency is invited.**

Thevha Consulting (Pty) Ltd has been appointed by Duho Mining (Pty) Ltd to conduct an Environmental Authorisation (EA) Application and Prospecting Right (PR) Application for proposed prospecting activities on the Remaining Extent of Nchwaning 267, near Hotazel, Northern Cape Province (NC 30/5/1/1/2/12019PR).

A draft Basic Assessment (BAR) has been submitted in terms of the National Environmental Management Act, no 107 of 1998 (NEMA), NEMA Environmental Impact Assessment (EIA) Regulations for activities that trigger the Mineral and Petroleum Resources Development Act, 28 of 2002 (MPRDA)(As amended). The proposed prospecting activities include 10 boreholes as part of the Phase 2 with minimum of 5 boreholes in Phase 4, ablution facilities and access routes.

Professor Marion Bamford and Integrated Specialist Services (Pty) Ltd were appointed to provide heritage specialist input for the BAR and EA process as per section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

*Bamford, M. 2019. Palaeontological Impact Assessment for the proposed prospecting rights application on a section of Farm Nchwaning 267, near Hotazel, Northern Cape Province.*

The proposed development area is underlain at depth by the unfossiliferous Manganese Banded Iron Formation which is overlain by wind-blown sands of the Kalahari Group. It is unlikely that fossils would be present and there are no fossil recording from the area. A Chance Fossil Finds Procedure has been recommended and supplied.

*Mlilio, T. 2019. Prospecting Right Application to prospect for Manganese and Iron ore on a portion of Remaining Extent of Farm 267 Nchwaning situated within the Joe Morolong Local Municipality under the jurisdiction of the John Taulo Gaetsewe District Municipality in the Northern Cape Province: Archaeological*

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*and Heritage Impact Assessment Report.*

One informal burial ground comprising approximately 20 graves was identified near the Nchwaning farm compound which is located outside of the prospecting rights area. No other heritage resources were identified within the proposed development area.

Recommendations provided in the report include the following:

- The riverbed must be avoided during prospecting due to the chance that Stone Age lithics may be present;
- Although located outside, the recorded burial site must be demarcated by a danger warning sign and must be clearly marked to avoid any accidental damage by especially heavy prospecting equipment;
- No stone robbing, or removal of any material is allowed. Any disturbance or alteration on this burial site would be illegal and punishable by law, under section 36 (3) of the NHRA;
- Noteworthy that any measures to cover up the suspected archaeological material or to collect any resources is illegal and punishable by law. In the same manner, no person may exhume or collect such remains, whether of recent origin or not, without the endorsement by SAHRA;
- The applicant is reminded that unavailability of archaeological materials (e.g., pottery, stone tools, remnants of stone-walling, graves) and fossils does not mean they do not occur, archaeological material might be hidden underground, and as such the client is reminded to take precautions during prospecting (see Chance Find Procedure);
- The prospecting teams should be inducted on the possibility of encountering archaeological resources that may be accidentally exposed during prospecting on the site in order to ensure appropriate mitigation measures and that course of action is afforded to any chance finds;
- If archaeological materials are uncovered, work should cease immediately and the SAHRA be notified and activity should not resume until appropriate management provisions are in place;
- The findings of this report, with approval of the SAHRA, may be classified as accessible to any interested and affected parties within the limits of the legislation's.

**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 BAR and EMP:

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- 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. Further specific conditions are provided for the development as follows;
- A no-go bufferzone of 30 m must be adhered to around the identified burial ground;
- 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 BAR 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

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

**ADMIN:**

Direct URL to case: <http://www.sahra.org.za/node/528026>  
(DMR, Ref: )

**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.