

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

Enquiries: Natasha Higgitt
Tel: 021 462 4502
Email: nhiggitt@sahra.org.za
CaseID: 14294

Date: Monday October 21, 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: ABS Africa

ORION EXPLORATION NO. 5 (PTY) LTD, EXPLORATION PROSPECTING, COPPERTON, SIYATHEMBA LOCAL MUNICIPALITY, NORTHERN CAPE

ABS Africa has been appointed by Orion Exploration No. 5 (Pty) Ltd to conduct an Environmental Authorisation (EA) Application and Prospecting Right (PR) Application for proposed prospecting activities on portion 5 and remaining extent of farm Gras Pan 112, and portion 1 of farm Uitspan 115, near Copperton, Northern Cape Province.

A draft Basic Assessment Report (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 5 boreholes, access tracks and topsoil stockpiles. The DBAR also noted that minor trenching may be conducted in areas of limited outcrops.

Heritage Contracts and Archaeological Consulting (HCAC) CC and Professor Marion Bamford were appointed to provide heritage specialist input as per section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA) as required by section 24(4)b(iii) of NEMA.

Bamford, M. 2019. Desktop Study: Palaeontological Impact Assessment for the proposed prospecting rights application on farm Graspan 112 near Copperton, North West Province.

*It must be noted that the title of the report notes the incorrect province.

The proposed prospecting area is underlain by the Dwyka Group and there may be possibility for early *Glossopteris* flora plants to be present in the sediments just below the surface. It is unlikely that fossils would be preserved in the overlying sands of the Quaternary. A Fossil Chance Finds Protocol is recommended to be included in the EMPr.

Van der Walt, J. 2019. Heritage Desktop Report for the proposed Orion No 5 prospecting application on the

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farms Graspan and Uitspan, Copperton area, Northern Cape Province.

It must be noted that the specialist study notes that no invasive activities will occur, however the DBAR noted several invasive activities i.e. 5 boreholes, access tracks and topsoil stockpiles.

The assessment of the impact to heritage resources was conducted at a desktop level and found that Stone Age sites and artefacts, and historical structures may be present within the proposed development area, and that no known graves are located within the development boundaries. A heritage sensitivity map has been provided on page 23 of the report.

- Recommendations provided in the report include the following:
- Before commencing invasive prospecting activities, the impact areas should be subjected to a heritage walk down;
- Inclusion of a chance find protocol(both archaeology and palaeontology) in the EMPr.

In an Interim Comment issued on the 04/10/2019, SAHRA had noted that the activities reflected in the HIA and the DBAR differed and that the HIA must be revised to assess the correct activities.

In a response to the Interim Comment, ABS Africa explained that the current application (SAHRIS Case ID 14294) was a reapplication of the initial PRA (SAHRIS Case ID 13433) but with the exclusion of certain minerals. The HIA from the original application was re-used for the current application to ensure consistency of the area assessed.

Final Comment

As the current application is a re-application of the original application as per SAHRIS Case ID 13433, SAHRA has no objections to the proposed prospecting rights application and the conditions provided in the original case are reiterated. One condition has been amended to provide additional clarity, which has been underlined.

The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed development and supports the recommendations of the specialists. The recommendations of the specialists and the following conditions must be included in the Environmental Management Programme (EMPr) to be included in the conditions of the EA:

- An archaeological walk-down of the finalised locations for invasive prospecting must be conducted by a

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qualified archaeologist prior to the commencement of the invasive activities (this includes any ground clearance activities). A report detailing the results of the walk-down including an assessment of the impact to any identified heritage resources with the corresponding mitigation measures must be submitted to SAHRA for comment prior to invasive activities occurring. No invasive activities may occur without comment from SAHRA in this regard;

- *The Final BAR and EMPr must be submitted to SAHRA for record purposes;*
- *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. 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 35(3) and 36(6) of the NHRA. A professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the findings. 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 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

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/528107>

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.