



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: 14844

Date: Tuesday May 19, 2020  
Page No: 1

## Final Comment

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

Attention: K2019315211 (South Africa) Pty Ltd

#### **Prospecting Right Application over Portion 2 and Portion 3 of the Farm Bishop 671, Kuruman District, Northern Cape Province.**

M and S Consulting (Pty) Ltd had been appointed by K2019315211 (SOUTH AFRICA) (PTY) LTD to conduct an Environmental Authorisation (EA) Application and Prospecting Right (PR) Application for proposed prospecting activities on Portion 2 and Portion 3 of the Farm Bishop 671, near Kathu, Kuruman District, Northern Cape Province (NC 30/5/1/1/2/12395 PR).

An draft Environmental Impact Assessment (EIA) and Environmental Management Programme (EMPr) have been submitted in terms of the National Environmental Management Act, no 107 of 1998 (NEMA), NEMA EIA Regulations for activities that trigger the Mineral and Petroleum Resources Development Act, 28 of 2002 (MPRDA)(As amended). The proposed prospecting activities will cover 1 504.6560 ha and will include 50 blast boreholes (10 m x 10 m of disturbance each), 10 excavated trenches diesel storage, mobile offices, processing plants, access and haul roads, salvage yard, stockpiles, wash bay, waste rock dumps, water tanks, weighbridge and control room, and workshop.

In an Interim Comment issued on the 21/02/2020, SAHRA requested that an assessment of heritage resources including a desktop Palaeontological Impact Assessment (PIA) be conducted as part of the EA application. Additionally, SAHRA noted that the first draft EIA had included conditions from SAHRA, however, SAHRA had not yet provided any comments. SAHRA requested that these conditions be removed.

G & A Heritage Management Consultants were appointed to provide heritage specialist input into the EIA as required by section 24(4)b(iii) of NEMA and in terms of section 38(3) and 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

*Gaigher, S. 2020. Heritage Impact Assessment Report: Bishop 671 Portions 2 & 3 Prospecting Boreholes and Trenches.*

Several surface occurrences of Stone Age lithics were identified within the proposed prospecting area. These



an agency of the  
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: [info@sahra.org.za](mailto: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](http://www.sahra.org.za)

were rated as resources of low significance. A farmstead, associated graves and labour housing were identified within the prospecting area and these were rated as sites of high significance. The area around the farmhouse, graves and labour housing will be part of an exclusion zone and therefore will not be impacted. A Chance Finds Procedure is recommended to be implemented and is provided in the report.

It is noted that not all borehole or trench locations were surveyed as part of the field visit, yet access to these sites was not inhibited. It is noted that a drone was used to conduct an aerial survey of the farm. While the use of a drone can identify sites such as settlements or structures, it cannot identify smaller heritage resources such as Stone Age lithic sites or historical middens. Some photographs provided in the report do not reflect the contents as per their associated captions e.g. Figure 11, 12, and 16.

In a letter and email correspondence submitted to the case, the EAP and Natura Viva CC noted that the requested PIA would only be submitted in mid-May 2020.

In a Final Comment, SAHRA stated that the submitted letter and email correspondence regarding the pending PIA would not be accepted. SAHRA stated that it is the EAPs responsibility to ensure that all required studies are completed as part of the EA process. If Natura Viva CC was unavailable, another available specialist should have been appointed. The submission of the desktop PIA in mid-May would be outside of the NEMA EIA timeframes. Additionally, the HIA did not assess each borehole or trench location as part of the field assessment.

SAHRA advised the Department of Mineral Resources (DMR) to reject the application to prospect on Portion 2 and Portion 3 of the Farm Bishop 671, near Kathu, Kuruman District, Northern Cape Province (NC 30/5/1/1/2/12395 PR) as the assessment of heritage resources as part of the EA process as required by section 24(4)b(iii) of the NEMA and section 38(3) or section 38(8) of the NHRA has not been fully completed as part of the EA application.

Since the issuing of the Final Comment, the PIA has been submitted to the case application on SAHRIS.

In a second Final Comment issued on the 24/04/2020, SAHRA noted that the previously issued Final Comment and recommended rejection of the application by the competent authorities as the HIA has not assessed each borehole location, and that the NEMA timeframes had lapsed.

Since the issuing of the second Final Comment, two letters from the applicant and heritage specialist have



an agency of the  
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: [info@sahra.org.za](mailto: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](http://www.sahra.org.za)

Enquiries: Natasha Higgitt  
Tel: 021 462 4502  
Email: [nhiggitt@sahra.org.za](mailto:nhiggitt@sahra.org.za)  
CaseID: 14844

Date: Tuesday May 19, 2020  
Page No: 3

been uploaded to the case, addressing the issues raised by SAHRA.

The letter drafted by the EAP notes that due to the directions issued by the Department of Mineral Resources and Energy in terms of section 27(2) of the Disaster Management Act, Act 2002 on the 11 April 2020, all timeframes for prospecting applications are extended by the number of days for the duration of the lockdown period, and therefore the date of submission of the Final EIA had been extended.

The letter provided by the heritage specialist notes that to conduct a site visit of the boreholes would not be possible during the lockdown period and recommends that the boreholes be examined once the final locations of the boreholes are determined.

The Palaeontological Assessment will be discussed below:

*Almond, J. E. 2020. Palaeontological Heritage Report Desktop Study: Prospecting Application for Portions 2 and 3 of the farm Bishop 671 near Kathu, Kuruman District, Northern Cape.*

The proposed development area is underlain by the Manganore, Gamagara and Ongeluk Formations that do not contain fossils. Stromatolites may be present within the Ghaap Group sediments, which are overlain by sediments of the Gordonia Formations that may contain more recent fossils. It is unlikely that the proposed development will have a significant impact on local fossil heritage. A Chance Fossil Finds Procedure is recommended and provided in the report.

### **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 EMPr:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit and Burial Grounds and Graves (BGG) Unit have no objections to the proposed development;
- 38(4)b – The recommendations of the specialists are supported and must be adhered to. Further additional specific conditions are provided for the development as follows:
- Once the final locations of all prospecting activities are determined, an assessment by an archaeologist must be conducted prior to any invasive activities. A report detailing the results of the assessment must be submitted to SAHRA for review and comment. No invasive activities may commence without



an agency of the  
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: [info@sahra.org.za](mailto: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](http://www.sahra.org.za)

Enquiries: Natasha Higgitt  
Tel: 021 462 4502  
Email: [nhiggitt@sahra.org.za](mailto:nhiggitt@sahra.org.za)  
CaseID: 14844

Date: Tuesday May 19, 2020  
Page No: 4

comments from SAHRA in this regard;

- A no-go buffer zone of 30m must be adhered to around the identified burial grounds;
- All decisions regarding heritage resources as defined by section 34 of the NHRA i.e. built structures, must be directed to the Northern Cape Provincial Heritage Resources Authority;
- The Final EIA must be amended to include the results of the PIA and comments from 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



an agency of the  
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: [info@sahra.org.za](mailto: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](http://www.sahra.org.za)

Enquiries: Natasha Higgitt  
Tel: 021 462 4502  
Email: [nhiggitt@sahra.org.za](mailto:nhiggitt@sahra.org.za)  
CaseID: 14844

Date: Tuesday May 19, 2020  
Page No: 5

---

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/534429>  
(DMR - NC, Ref: NC 30/5/1/1/1/2/12395 PR)

**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.