

Our Ref:



an agency of the
Department of Arts and Culture

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CaseID: 15934

Date: Wednesday August 11, 2021
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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: Orion Exploration No. 4 (Pty) Ltd

Prospecting Right Application

M & S Consulting have been appointed by Orion Exploration No 4 (Pty) Ltd to conduct an Environmental Authorisation Application for proposed prospecting activities on various portions of the farm Eyerdop Pan 58, near Marydale, Northern Cape Province (NC 30/5/1/1/2/12721 PR).

A draft Basic Assessment Report (DBAR) has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the 2017 EIA Regulations for activities that trigger the Mineral and Petroleum Resources Development Act, 2002 (MPRDA)(As amended). The proposed prospecting right application area will cover approximately 20 956.7984 ha and will include 10 borehole sites (12 m x 20 m surface to be cleared around each borehole), access roads and chemical toilets. It must be noted that the proposed positions of the boreholes have been mapped as part of the DBAR (page 5).

Prof Bamford and Archaeological and Heritage Services Africa (Pty) Ltd have been appointed to provide heritage specialist input into the EA process as per section 24(4)b(iii) of the NEMA and section 38(3) and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

Bamford, M. 2021. Palaeontological Impact Assessment for the proposed Prospecting Rights Application on Farm Eyerdop Pan 58, Prieska area, Northern Cape Province.

The proposed development footprint is underlain by sands of the Gordonia Formation and non-fossiliferous metamorphic rocks of the Areachap Terrane. Kimberlite pipes may be present which may have preserved fossils within the crater-lakes left after the explosion of the pipe. Fossil fish, shells, plants and dinosaur remains may be preserved in these sediments.

Recommendations provided in the report include the following:

- A Fossil Chance Finds Protocol should be added to the EMPr;
- It is recommended that the drill core and excavated materials be carefully scanned for any fossil

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material and photographs of potential fossils sent to a palaeontologist for assessment. Any fossils would have to be removed and housed in a recognised institution for further study.

Matenga, E. 2021. Heritage Impact Assessment & Palaeontological Desk Assessment for a Mining Right Application on Portion 1 (Neel Dale), Portion 2 (Witkop), Portion 3 (Eijerdop Put), Portion Eyerdop Pan 58, Near Marydale, Northern Cape Province.

It is noted that no field survey was conducted as part of the HIA. The desktop study notes that heritage resources such as Stone Age lithic material of medium to low significance, rock engravings and rock paintings, 19th century structures and objects, and graves may be present within the proposed prospecting area. No previous assessments have been conducted within the proposed development footprint, and no known sites are present.

The specialist has recommended that the prospecting may go ahead and that a Chance Finds Procedure is implemented.

In an Interim Comment issued on the 31/03/2021, SAHRA requested that a field-based HIA be conducted as the position of the boreholes was known.

A Letter of Undertaking was submitted by the EAP, explaining that access to the proposed development area had been denied by the landowner and therefore it was not possible to conduct a field-based HIA. The applicant has confirmed that a field-based HIA will be conducted before any invasive prospecting commences.

Final Comment

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

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has 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:
- A field-based HIA must be conducted and submitted to SAHRA for review and comment prior to any invasive activities within the proposed prospecting rights area. No invasive activities may occur without comments from SAHRA in this regard;

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- 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 regarding offences;
- 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 must be submitted to the SAHRIS application for record purposes;
 - The decision regarding the EA application and PR application must be submitted to the SAHRIS application for record purposes.

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: <https://sahris.sahra.org.za/node/551612>
(DMR - NC, Ref: NC 12721 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.