

Our Ref:



an agency of the  
Department of Arts and Culture

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South African Heritage Resources Agency | 111 Harrington Street | Cape Town  
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CaseID: 16033

Date: Thursday June 03, 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: Wouterspan Mining (Pty) Ltd

**THE PROSPECTING RIGHT APPLICATION FOR A PROSPECTING RIGHT OF DIAMONDS ALLUVIAL (DA), DIAMONDS GENERAL (D), DIAMONDS (DIA) & DIAMONDS IN KIMBERLITE (DK) PROSPECTING RIGHT, COMBINED WITH A WASTE LICENCE APPLICATION OF WOUTERSPAN MINING (PTY) LTD, ON THE REMAINING EXTENT, PORTION 1 (UITZICHT) OF THE FARM 392 AND PORTION 1 (TEVREDE) OF THE FARM WINDHOEK 393, REGISTRATION DIVISION: HAY; NORTHERN CAPE PROVINCE.**

Milnex Environmental Consultants CC has been appointed by Wouterspan Mining (Pty) Ltd to conduct an Environmental Authorisation (EA) Application for proposed prospecting activities on the Remaining Extent, Portion 1 (Uitzicht) of the Farm 392 and Portion 1 (Tevrede) of the Farm Windhoek 393, Registration Division: Hay; Northern Cape Province (NC30/5/1/1/2/12646PR).

A draft Scoping Report 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 3 708.3484 ha and will include 100 pits (3 m x 2 m x 4 m) and 50 trenches (60 m x 40 m x 3 m), and a washing pan.

Dr J A Van Schalkwyk was appointed to provide heritage specialist input into the EA process as required by section 24(4)b(iii) of NEMA in terms of section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

*Van Schalkwyk, J. A. 2021. Phase 1 Cultural Heritage Impact Assessment: The Proposed Prospecting Right Application for a Prospecting Right of Diamond Alluvial (Da), Diamond General (D), Diamonds (Dia) and Diamonds in Kimberlite (Dk), Prospecting Right, combined with a Waste Water Licence Application of Wouterspan Mining (Pty) Ltd, on the Remaining Extent, Portion 1 (Uitzicht) of the Farm 392 and Portion 1 (Tevrede) of the Farm Windhoek 393, Registration Division: Hay; Northern Cape Province.*

A total of eight heritage resources were identified within the proposed prospecting application area. These include one archaeological site of low significance (Stone Age lithics scatter), two archaeological sites of

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medium significance (diggers camps), three historical farmsteads of low and medium significance (one of which is defined as an archaeological site), and two burial grounds of high significance.

Recommendations provided in the report include the following:

- Sites 7.3.1 – 7.3.4 should be recorded before destruction;
- As no blasting or large-scale mining is to take place, it is recommended that the burial grounds should be retained in situ and, although they are already fenced off, an additional buffer zone of 20m should be added around them;
- The Palaeontological Sensitivity Map (<https://sahris.sahra.org.za/map/palaeo>) indicate that most of the project area has a high possibility of fossil remains to be found and therefore desktop palaeontological assessment is required. Based on the outcome of the desktop study, a field assessment is likely;
- Should archaeological sites or graves be exposed during construction work, it must immediately be reported to a heritage practitioner so that an investigation and evaluation of the finds can be made.

In an Interim Comment issued on the 26/02/2021, SAHRA requested that a desktop Palaeontological Impact Assessment be conducted as part of the EIA phase of the EA application. Since the issuing of the Interim Comment, a desktop PIA has been submitted for review (05/05/2021).

*Butler, E. 2021. Desktop Palaeontological Impact Assessment: The Prospecting Right Application for a Prospecting Right of Diamonds Alluvial, Diamonds General, Diamonds & Diamonds in Kimberlite, combined with a Waste Licence Application of Wouterspan Mining (Pty) Ltd, on the Remaining Extent, Portion 1 (Uitzicht) of the Farm 392 and Portion 1 (Tevrede) of the Farm Windhoek 393, Registration Division: Hay; Northern Cape Province. (Nc 30/5/1/1/2/12646 PR).*

The proposed development footprint is largely underlain by Permo-Carboniferous Dwyka Group sediments which are overlain by Late Tertiary to Quaternary alluvium and calcrete. The Quaternary sediments are of low sensitivity for palaeontological resources while the Dwyka Group sediments are of moderate palaeontological sensitivity. A low Palaeontological significance has been allocated to the proposed development. A Chance Finds Protocol is recommended to be implemented and is 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

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## Final EIA and EMPr:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit and Burial Grounds and Graves (BGG) 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:
  - No-go buffer zones of 30 m must be maintained around sites 7.3.1 – 7.3.4. Should it not be possible to avoid impacts to these sites, permits in terms of section 35 of the NHRA for the destruction of sites 7.3.1 – 7.3.2 must be applied for from SAHRA prior to the construction phase;
  - All permit applications pertaining to heritage resources protected in terms of section 34 must be directed to the Northern Cape Provincial Heritage Resources Authority;
  - A buffer-zone of 100m must be implemented around the identified burial grounds. Any activities within the 100m buffer must be monitored by a Heritage specialist and a monitoring report 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.

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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: <https://sahris.sahra.org.za/node/554484>  
(DMR - NC, Ref: NC30/5/1/1/2/12646PR) (DMR - NC, 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.