



an agency of the  
Department of Arts and Culture

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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)

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CaseID: 16478

Date: Friday July 23, 2021

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## **Interim Comment**

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

Attention: Mr Mabhena Peter

#### **Mining activities will be undertaken over a period of two (2) years. These projects will entail an open cast method of excavation.**

Ibutho Legacy (Pty) Ltd and Triple M Stars (Pty) Ltd are proposing to mine coal via opencast methods on 5ha of land located on a Portion of Portion 9 of Farm Rietfontein 314 JS and Portion of Portion 10 of Farm Rietfontein 314 JS in the eMalahleni Local Municipality of the Mpumalanga Province.

Geo-Aspex (Pty) Ltd have been appointed to undertake an environmental assessment as part of the Basic Assessment process in support of an Environmental Authorisation (EA) in terms of the National Environment Management Act, Act 107 of 1998 (NEMA) for activities that trigger the NEMA EIA 2014 Regulations. As well as an Environmental Management Plan as per the requirements of the Minerals and Petroleum Resources Development Act, No 28 of 2002 (MPRDA)(As amended).

A Background Information Document was submitted to the South African Heritage Resources Agency (SAHRA) for commenting in terms of section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA). The report states that an Heritage Impact Assessment (HIA) must be conducted if any heritage is uncovered during mining activities. However, an HIA must be undertaken during the mine approval process and not after.

#### **Interim Comment**

As the proposed development is undergoing an EA Application process in terms of the National Environmental Management Act, 107 of 1998 (NEMA), NEMA Environmental Impact Assessment (EIA) Regulations for activities that trigger the Mineral and Petroleum Resources Development Act, No 28 of 2002 (MPRDA)(As amended), it is incumbent on the developer to ensure that a Heritage Impact Assessment (HIA) is done as per section 38(3) and 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA). This must include an archaeological component, palaeontological component and any other applicable heritage components. The HIA must be conducted as part of the EA Application in terms of NEMA and the NEMA EIA Regulations.

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The archaeological component of the HIA should follow the SAHRA 2007 Minimum Standards: Archaeological Component of Impact Assessment Report. The quickest process to follow for the archaeological component would be to contract a qualified archaeologist (see [www.asapa.co.za](http://www.asapa.co.za) or [www.aphp.org.za](http://www.aphp.org.za)). The Minimum Standards refers to a Letter of Recommendation for Exemption from further studies, that may be submitted should the archaeologist deem it appropriate.

A new .kml file that outlines the proposed development area must be submitted to the case, single point .kml files are not accepted. The proposed development area is located within an area of very high sensitivity in terms of palaeontological resources as per the SAHRIS PalaeoSensitivity. The dBAR notes that the development area is underlain by the highly fossiliferous Karoo Supergroup formations, as such, a field-based Palaeontological Impact Assessment (PIA) must be undertaken by a qualified palaeontologist (See <https://www.palaeosa.org/heritage-practitioners.html> for a list of qualified palaeontologists). The report must comply with the 2012 Minimum Standards: Palaeontological Components of Heritage Impact Assessments.

Any other heritage resources as defined in section 3 of the NHRA that may be impacted, such as built structures over 60 years old, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict, and cultural landscapes or viewsapes must also be assessed.

The applicant is advised to extend the BAR process in terms of section 19(1)b of the NEMA EIA regulations in order to comply with this comment.

Further comments will be issued upon receipt of the requested.

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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Nokukhanya Khumalo

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Heritage Officer  
South African Heritage Resources Agency

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Phillip Hine

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

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**ADMIN:**

Direct URL to case: <https://sahris.sahra.org.za/node/574112>  
(DMR-MP, Ref: )