

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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Enquiries: Natasha Higgitt
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CaseID: 18254

Date: Tuesday September 06, 2022
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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: Morgenson Mining (PTY) LTD

17 Godly Street
Kimberley
8300

The proposed Prospecting Right combined with a Waste Licence application to prospect for Diamonds Alluvial (DA), Diamonds General (D) and Diamonds in Kimberlite (DK) on the Remaining Extent, Portion 1, Portion 2 and Portion 3 (Boorwater) of the farm Bultfontein 327, Registration Division: Hay, Northern Cape Province.

Milnex Environmental Consultants CC have been appointed by Morgenson Mining (Pty) Ltd to conduct an Environmental Authorisation (EA) Application for proposed prospecting activities on the Remaining Extent, Portion 1, Portion 2 and Portion 3 (Boorwater) of the farm Bultfontein 327, Registration Division: Hay, Northern Cape Province (NC30/5/1/1/2/12990PR).

A draft Environmental Impact Assessment (EIA) and Environmental Management Programme (EMPr) have 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 5 474.2388 ha and include bulk sampling i.e. 90 pits (3 m x 3 m x 4 m) and 45 trenches (40 m x 40 m x 3 m), ablution facilities, and storage of dangerous goods.

Banzai Environmental (Pty) Ltd and Dr Van Schalkwyk have been appointed to provide heritage specialist input as part of the BAR process as required by section 24(4)b(iii) of NEMA and section 38(3) and 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

Butler, E. 2022. Palaeontological Desktop Assessment for the proposed Prospecting Right combined with a Waste Licence application to prospect for Diamonds Alluvial (DA), Diamonds General (D) and Diamonds in Kimberlite (DK) on the Remaining Extent, Portion 1, Portion 2, and Portion 3 (Boorwater) of the farm Bultfontein 327, Registration Division: Hay, Northern Cape Province.



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The proposed development area is underlain by the Ghaap Group which are known to contain stromatolites, Tertiary calcretes and Quaternary deposits. A low palaeontological significance is allocated to the proposed development area and the development will not lead to detrimental impacts to palaeontological resources in the area. A Chance Finds Protocol is recommended to be followed and is provided in the report.

Van Schalkwyk, J. 2022. Phase 1 Cultural Heritage Impact Assessment: The Proposed Prospecting Right Combined with a Waste Licence Application to Prospect for Diamonds Alluvial (Da), Diamonds General (D) and Diamonds in Kimberlite (Dk) on the Remaining Extent, Portion 1, Portion 2 and Portion 3 (Boorwater) of the Farm Bultfontein 327, Registration Division: Hay, Northern Cape Province.

Surface scatters of Stone Age lithics of low heritage significance were identified within the proposed development area. A total of seven burial grounds of high heritage significance were identified within the proposed development area. One farmhouse and one old asbestos mine with associated structures of medium heritage significance were identified within the proposed development area.

Recommendations provided in the report include the following:

- A minimum buffer of 100m must be established around the burial sites for the duration of the prospecting/mining phase. If it is decided to retain the burial site, it should be fenced off permanently by means of a wire fence or brick wall, with a buffer zone of at least 100m;
- Archaeological investigation of the farmstead: This option should be implemented when it is impossible to avoid impacting on an identified site or feature;
- The asbestos mine should be avoided for reasons other than its possible heritage value, i.e. the potential health hazard that asbestos pollution poses, however, should be mitigated before destruction if destruction is required;
- A Chance Finds Procedure is recommended.

In an Interim Comment issued on the 26/04/2022, SAHRA requested that the HIA be revised to include additional field surveys so as to sufficiently cover the proposed development area. The revised HIA with the results of the additional survey must be conducted as part of the EA process. Since the issuing of the comment, a revised HIA has been submitted that included the additional survey as requested (08/08/2022). No additional heritage resources were identified. It was also noted that the EA had been issued prior to SAHRA issuing a Final Comment. The EA was submitted to the SAHRIS Case on the 30/08/2022. Condition 3.18 of the EA states the following "Since the Department did not receive the comment from SAHRA, is still your

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responsibility to ensure compliance regarding any comment that SAHRA can still issue after the granting of this EA.”

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 as per condition 3.18 of the granted EA:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit and Burial Grounds and Graves (BGG) Unit objects 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 no go bufferzone of 50 m must be adhered to around the identified farmstead and asbestos mine. Should it not be possible to adhere to this bufferzone, and if the sites are younger than 100 years, a permit in terms of section 34 of the NHRA must be applied for from the Northern Cape Provincial Heritage Resources Authority. If the sites are older than 100 years, a permit in terms of section 35 of the NHRA must be applied for from SAHRA;
 - BGG Unit conditions:
 - 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/ Ngqalabutho Madida 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 with regards to 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

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permits issued by SAHRA.

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

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

ADMIN:

Direct URL to case: <https://sahris.sahra.org.za/node/594663>
(DMR - NC, Ref: NC30/5/1/1/2/12990PR)

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.