

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: 20323

Date: Friday February 03, 2023  
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## Interim Comment

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

Attention: TotalEnergies EP South Africa B.V.

**TotalEnergies EP South Africa B.V. (TEEPSA), together with its joint venture partners, QatarEnergy, Canadian Natural Resources International South Africa Limited, and a South African consortium, MainStreet 1549 held an Exploration Right (Exploration Right Ref. No.: 12/3/067) over Block 11B/12B, located offshore from the Southern Cape coast, South Africa. To date the exploration programme for Block 11B/12B has been focused on the south-western part of the block and has resulted in d gas and associated condensates discoveries in the Paddavissie fairway including the Brulpadda and Luiperd discoveries (hereafter referred to as project development area).**

The Maritime and Underwater Cultural Heritage (MUCH) unit at the South African Heritage Resources Agency (SAHRA) would like to thank you for submitting the Draft Scoping Report (DSR) for an Environmental and Social Impact Assessment (ESIA) for the proposed offshore production right and Environmental Authorisation (EA) applications for block 11B/12B off the Southern Cape coast, South Africa under section 38(8) of the National Heritage Resources Act, No. 25 of 1999 (NHRA).

The proposed activities include exploration, in the form of marine surveys and well drilling; preparation for production consisting of drilling development and appraisal wells, the installation of subsea infrastructure, and modifications to existing infrastructure; and production which will involve the use of this infrastructure to flow gas to a platform for further treatment with lastly, the exporting of gas and condensate to the shore not forming part of this ESIA.

SAHRA has reviewed the document and has noted the following:

On Page 82 of the DSR, under section 8.1.7, a summary of NHRA is provided. This section is easily misinterpreted as it states that all ship wrecks are administered by SAHRA and that the only applicable heritage resource in the marine environment that the NHRA makes provisions for are ship wrecks. This section must be updated to reflect that:

- Wrecks, meaning any vessel or aircraft, or any part thereof, which are older than 60 years, or which SAHRA considers to be worthy of conservation, are treated as archaeological in the NHRA under



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section 2(ii)(c) and as such, are administered by SAHRA; and

- The scope of heritage resources that are in the marine environment consist of more than just wrecks. The National Estate, which is administered by SAHRA, according to section 3 of the NHRA, includes definitions which are applicable in the marine space, such as, but not limited to, places to which oral traditions are attached or which are associated with living heritage, submerged landscapes and features of cultural significance, archaeological and palaeontological objects and sites, graves and burial grounds, etc.

On page 77 of the DSR, under section 7.3.2, a brief overview of marine archaeology is provided. This section is poorly phrased implying that Mossel Bay's history only started in 1487 when the Portuguese landed there, yet it also mentions that there are coastal caves nearby that were occupied up to 40,000 years ago. This section should reflect the rich history of the Southern Cape coast's archaeology which in some instances spans as far back as the Early Stone Age (ESA). Moreover, as this section speaks to marine archaeology, inclusions must be made reflecting the recent studies on the Palaeo-Agulhas-Plan (PAP). As there is no part of the DSR that speaks to palaeontology, this section can also be updated to include information relating to some of the fossils that have been discovered in the targeted area, such as those by the 1993 Africana Voyager III demersal cruise, as well as during the recent environmental baseline studies. There is also a paragraph dedicated to the wreck of the Kiani Satu which wrecked in 2013, and as this wreck is under 60 years of age it currently falls outside the remit of the NHRA and is therefore not considered a heritage resource.

There are further minor changes that must be made in in Appendix B (other applicable national legislation) and Appendix C (other applicable international legislation):

- The National Policy on South African Living Heritage was adopted by cabinet in 2019, not 2009, as is listed;
- The Protection, Promotion, Development and Management of Indigenous Knowledge Act, No. 6 of 2019 (IKS Act) should also be listed in the table as there are indigenous knowledge systems related to the marine environment on the Southern Cape coast that might be impacted by some of the proposed activities;
- The 2001 Convention on the Protection of the Underwater Cultural Heritage is mentioned twice in the table;
- The 2003 Convention for the Safeguarding of the Intangible Cultural Heritage is omitted from the table. South Africa is not a state party to this convention, but has been observing for the past two years and

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there is a process underway to become signatories. As the 2019 National Policy on South African Living Heritage speaks strongly to this convention it should be included in this list.

SAHRA is pleased to note that a Cultural Heritage Impact Assessment (CHIA) will be submitted as part of this application, which will assess impacts to intangible cultural heritage. However, as the proposed exploration activities, including the installation of subsea infrastructure, may result in the disturbance of the seabed SAHRA insists that a Heritage Impact Assessment (HIA) be conducted by a suitably qualified maritime archaeologist. Disturbance of the seabed has the potential to identify previously unrecorded tangible heritage resources, such as fossil localities and archaeological ship wrecks. The impact assessments must suggest mitigation measures for both tangible and intangible heritage resources which must be included in the ESIA.

Please note that all updates and/or changes to the project, supporting documentation, correspondence, reports, or any other work relating to the project must be uploaded to the case on SAHRIS to provide SAHRA with the opportunity to comment. SAHRA does not accept emailed documents or hard-copy documents received via post.

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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Ruan Brand  
Heritage Officer  
South African Heritage Resources Agency

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Briege Williams  
Acting manager  
South African Heritage Resources Agency

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## ADMIN:

Direct URL to case: <https://sahris.sahra.org.za/node/610709>  
(DMR, 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.