

Our Ref:



an agency of the
Department of Arts and Culture

T: +27 21 462 4502 | F: +27 21 462 4509 | E: info@sahra.org.za
South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
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Tel: 0212028663
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CaseID: 20967

Date: Monday June 05, 2023
Page No: 1

Final Comment

In terms of Section 38(8), 38(3) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Free State Department of Water and Sanitation

Proposed Construction of Gauging Weir, the left bank wall located on Farm Winkelplaats 312 and the right bank wall is on Farm Botha's Drift 286, Bothaville within the jurisdiction of Nala Local Municipality. To access the proposed site, existing dirt tracks/access roads will be used. The existing storage weir located 10m upstream of the proposed site will be used as a coffer dam and a temporary one built downstream. Two temporary construction camps will be established on either side of the Vals River.

NSVT Consultants has been appointed by the Free State Department of Water and Sanitation to undertake the Environmental Authorisation (EA) Application for the proposed construction of Tweefontein gauging weir in Vals River located near Bothaville, within the jurisdiction of Nala Local Municipality in the Vals River with the right banks located on Farm Botha's Drift No. 286 and left banks on Farm Winkelplaats No. 312, Free State.

The Draft Basic Assessment Report (DBAR) has been submitted in terms of the National Environmental Management Act (Act 107 of 1998) (NEMA) and the NEMA Environmental Impact Assessment Regulations (As amended). the development footprint will be about 3220m².

Paleo Field Services was appointed to provide heritage specialist input as required by section 24(4)b(iii) of NEMA and section 38(8) of the National Heritage Resources Act, Act 25 of 1999 (NHRA).

Rossouw, L. 2023. Construction of a proposed new Gauging Weir in the Vals River near Bothaville, FS Province: Exemption from Phase 1 HIA.

The proposed development area is underlain by unfossiliferous dolerite, and no heritage resources located on site as it has been degraded. It is recommended that the development may proceed. It is recommended that the proposed development be exempt from further Heritage Impact Assessments.

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The following comments are made as a requirement in terms of section 38(8) of the NHRA in the format

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provided in section 38(4) of the NHRA and must be included in the Final BAR and EMP:

- 38(4)a – The SAHRA has no objections to the proposed development;
- 38(4)b – The recommendations of the specialists are supported and must be adhered to. No further additional specific conditions are provided for the development;
- 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 (Sityhilelo Ngcatsha/Natasha Higgitt 021 202 8660) 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/Ngqabutho 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 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 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

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Sityhilelo Ngcatsha
Archaeology, Palaeontology, Meteorite Assistant
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/615573>
(DESTEA, Ref: EMB/12(i)(a),19,12(b)(iv)/23/06)

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.