



PGS HERITAGE

PALAEONTOLOGICAL PHASE 1 IMPACT ASSESSMENT FOR THE PROPOSED RE-COMMISSION OF THE OLD BALGRAY COLLIERY NEAR DUNDEE, KWAZULU NATAL:

Issue Date: 31 October 2019
Revision No.: v0.1
Client:
PGS Project No: PIA

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Declaration of Independence

I, Elize Butler, declare that –

General declaration:

- I act as the independent palaeontological specialist in this application
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favorable to the applicant
- I declare that there are no circumstances that may compromise my objectivity in performing such work;
- I have expertise in conducting palaeontological impact assessments, including knowledge of the Act, Regulations and any guidelines that have relevance to the proposed activity;
- I will comply with the Act, Regulations and all other applicable legislation;
- I will take into account, to the extent possible, the matters listed in section 38 of the NHRA when preparing the application and any report relating to the application;
- I have no, and will not engage in, conflicting interests in the undertaking of the activity;
- I undertake to disclose to the applicant and the competent authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the competent authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the competent authority;
- I will ensure that information containing all relevant facts in respect of the application is distributed or made available to interested and affected parties and the public and that participation by interested and affected parties is facilitated in such a manner that all interested and affected parties will be provided with a reasonable opportunity to participate and to provide comments on documents that are produced to support the application;
- I will provide the competent authority with access to all information at my disposal regarding the application, whether such information is favorable to the applicant or not
- All the particulars furnished by me in this form are true and correct;
- I will perform all other obligations as expected a palaeontological specialist in terms of the Act and the constitutions of my affiliated professional bodies; and
- I realize that a false declaration is an offense in terms of regulation 71 of the Regulations and is punishable in terms of section 24F of the NEMA.

Disclosure of Vested Interest

I do not have and will not have any vested interest (either business, financial, personal or other) in the proposed activity proceeding other than remuneration for work performed in terms of the Regulations;

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ACKNOWLEDGMENT OF RECEIPT

Report Title	PALAEONTOLOGICAL PHASE 1 FIELD ASSESSMENT FOR THE PROPOSED RE-COMMISSION OF THE OLD BALGRAY COLLIERY NEAR DUNDEE, KWAZULU NATAL		
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The Palaeontological Desktop Assessment report has been compiled taking into account the National Environmental Management Act 1998 (NEMA) and Environmental Impact Regulations 2014 as amended, requirements for specialist reports, Appendix 6, as indicated in the table below.

NEMA Regs (2014) - Appendix 6	Relevant section in report
1. (1) A specialist report prepared in terms of these Regulations must contain- a) details of- i. the specialist who prepared the report; and ii. the expertise of that specialist to compile a specialist report including a curriculum vitae;	Page ii of Report – Contact details and company, Section 2 and Appendix A
b) a declaration that the specialist is independent in a form as may be specified by the competent authority;	Page ii
c) an indication of the scope of, and the purpose for which, the report was prepared;	Section 4 – Objective
(cA) an indication of the quality and age of base data used for the specialist report;	Section 5 – Geological and Palaeontological history
(B) a description of existing impacts on the site, cumulative impacts of the proposed development and levels of acceptable change;	Section 10
d) the date, duration and season of the site investigation and the relevance of the season to the outcome of the assessment;	Section 11
e) a description of the methodology adopted in preparing the report or carrying out the specialized process inclusive of equipment and modeling used;	Section 7 Approach and Methodology
f) details of an assessment of the specifically identified sensitivity of the site related to the proposed activity or activities and its associated structures and infrastructure, inclusive of a site plan identifying site alternatives;	Section 1 and 10
g) an identification of any areas to be avoided, including buffers;	Not identified,
h) a map superimposing the activity including the associated structures and infrastructure on the environmental sensitivities of the site including areas to be avoided, including buffers;	Section 5 – Geological and Palaeontological history

NEMA Regs (2014) - Appendix 6	Relevant section in report
i) a description of any assumptions made and any uncertainties or gaps in knowledge;	Section 7.1 – Assumptions and Limitation
j) a description of the findings and potential implications of such findings on the impact of the proposed activity, including identified alternatives on the environment or activities;	Section 11
k) any mitigation measures for inclusion in the EMPr;	Section 11
l) any conditions for inclusion in the environmental authorization;	Section 11
m) any monitoring requirements for inclusion in the EMPr or environmental authorization;	Section 11
n) a reasoned opinion- i. as to whether the proposed activity, activities or portions thereof should be authorized; (iA) regarding the acceptability of the proposed activity or activities; and ii. if the opinion is that the proposed activity, activities or portions thereof should be authorized, any avoidance, management and mitigation measures that should be included in the EMPr, and where applicable, the closure plan;	Section 11
o) a description of any consultation process that was undertaken during the course of preparing the specialist report;	Not applicable.
p) a summary and copies of any comments received during any consultation process and where applicable all responses thereto; and	Not applicable.
q) any other information requested by the competent authority.	Not applicable.
2) Where a government notice <i>gazetted</i> by the Minister provides for any protocol or minimum information requirement to be applied to a specialist report, the requirements as indicated in such notice will apply.	Section 3 compliance with SAHRA guidelines

EXECUTIVE SUMMARY

Banzai Environmental was appointed by PGS Heritage (Pty) Ltd to conduct the **Palaeontological Phase 1 Field Assessment** (PIA) to assess the proposed Balgray Mining Operations on Graigsid No 2272, PTN 116 and REM 71, near Dundee, KwaZulu Natal. The National Heritage Resources Act (No 25 of 1999, section 38) (NHRA), states that a Palaeontological Impact Assessment (PIA) is key to detect the presence of fossil material within the planned development footprint. This PIA is thus necessary to evaluate the effect of the construction on the palaeontological resources.

The proposed Balgray Mining Operations near Dundee, KwaZulu Natal is entirely underlain by the Vryheid Formation of the Ecca Group (Karoo Supergroup). According to the PalaeoMap of South African Heritage Resources Information System the Palaeontological Sensitivity of the Vryheid Formation is Very High while the Ecca has a moderate Palaeontological Sensitivity (Almond and Pether 2008, SAHRIS website).

A day site specific field survey of the development footprint was conducted on foot and by motor vehicle on 20 October 2019. No visible evidence of fossiliferous outcrops was found. For this reason, an overall medium palaeontological sensitivity is allocated to the development footprint. The scarcity of fossil heritage at the proposed development footprint indicates that the impact of the Old Balgray mining upgrade will be of a medium significance in palaeontological terms. It is therefore considered that the proposed development is deemed appropriate and feasible and will not lead to detrimental impacts on the palaeontological resources of the area. Thus, the construction of the development may be authorised in its whole extent, as the development footprint is not considered sensitive in terms of palaeontological resources.

If fossil remains are discovered during any phase of construction, either on the surface or exposed by fresh excavations the **Chance Find Protocol** must be implemented by the ECO in charge of these developments. These discoveries ought to be protected (if possible, *in situ*) and the ECO must report to SAHRA (Contact details: SAHRA, 111 Harrington Street, Cape Town. PO Box 4637, Cape Town 8000, South Africa. Tel: 021 462 4502. Fax: +27 (0)21 462 4509. Web: www.sahra.org.za) so that suitable mitigation (e.g. recording and collection) can be carry out by a paleontologist.

Preceding any collection of fossil material, the specialist would need to apply for a collection permit from SAHRA. Fossil material must be curated in an accredited collection (museum or university collection), while all fieldwork and reports should meet the minimum standards for palaeontological impact studies suggested by SAHRA.

Recommendations:

- The EAP and ECO for this project must be informed that the Vryheid Formation of the Ecca Group (Karoo Supergroup) has a Very High Palaeontological Sensitivity. There is thus a very high chance that fossils could be present in the Vryheid Fm of the proposed Balgray Mining Operations upgrade.
- If fossil remains are discovered during any phase of construction, either on the surface or exposed by new excavations the **Chance Find Protocol** must be implemented by the ECO in charge of these developments. These discoveries ought to be secured (if possible, *in situ*) and the ECO ought to alert SAHRA so that appropriate mitigation (documented and collection) can be undertaken by a palaeontologist.
- These recommendations must form part of the Heritage Management Plan and EMP for Balgray Mine.

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TERMINOLOGY AND ABBREVIATIONS

Archaeological resources

This includes:

- material remains resulting from human activity which are in a state of disuse and are in or on land and which are older than 100 years including artifacts, human and hominid remains, and artificial features and structures;
- rock art is any form of painting, engraving or other graphic representation on a fixed rock surface or loose rock or stone, which was executed by human agency and which is older than 100 years, including any area within 10m of such representation;
- wrecks, being any vessel or aircraft, or any part thereof, which was wrecked in South Africa, whether on land, in the internal waters, the territorial waters or in the maritime culture zone of the Republic as defined in the Maritimes Zones Act, and any cargo, debris or artefacts found or associated therewith, which is older than 60 years or which SAHRA considers to be worthy of conservation;
- features, structures, and artifacts associated with a military history which are older than 75 years and the site on which they are found.

Cultural significance

This means aesthetic, architectural, historical, scientific, social, spiritual, linguistic or technological value or significance

Development

This means any physical intervention, excavation, or action, other than those caused by natural forces, which may in the opinion of the heritage authority in any way result in a change to the nature, appearance or physical nature of a place or influences its stability and future well-being, including:

- construction, alteration, demolition, removal or change in use of a place or a structure at a place;
- carrying out any works on or over or under a place;
- subdivision or consolidation of land comprising a place, including the structures or airspace of a place;
- constructing or putting up for display signs or boards;
- any change to the natural or existing condition or topography of land; and
- any removal or destruction of trees, or removal of vegetation or topsoil

Fossil

Mineralized bones of animals, shellfish, plants, and marine animals. A trace fossil is the track or footprint of a fossil animal that is preserved in stone or consolidated sediment.

Heritage

That which is inherited and forms part of the National Estate (historical places, objects, fossils as defined by the National Heritage Resources Act 25 of 1999).

Heritage resources

This means any place or object of cultural significance and can include (but not limited to) as stated under Section 3 of the NHRA,

- places, buildings, structures, and equipment of cultural significance;
- places to which oral traditions are attached or which are associated with living heritage;
- historical settlements and townscapes;
- landscapes and natural features of cultural significance;
- geological sites of scientific or cultural importance;
- archaeological and palaeontological sites;
- graves and burial grounds, and
- sites of significance relating to the history of slavery in South Africa;

Holocene

The most recent geological time period which commenced 10 000 years ago.

Palaeontology

Any fossilised remains or fossil trace of animals or plants which lived in the geological past, other than fossil fuels or fossiliferous rock intended for industrial use, and any site which contains such fossilised remains or trace.

Abbreviations	Description
ASAP	Association of South African Professional Archaeologists
BRMO	Black Rock Mining operations
CRM	Cultural Resource Management
DEA	Department of Environmental Affairs
DIA	Desktop Impact Assessment
ECO	Environmental Control Officer
EIA practitioner	Environmental Impact Assessment Practitioner
EIA	Environmental Impact Assessment
ESA	Early Stone Age
GPS	Global Positioning System
HIA	Heritage Impact Assessment
I&AP	Interested & Affected Party
LSA	Late Stone Age

Abbreviations	Description
LIA	Late Iron Age
MSA	Middle Stone Age
MIA	Middle Iron Age
NEMA	National Environmental Management Act
NHRA	National Heritage Resources Act
PIA	Palaeontological Impact Assessment
PHRA	Provincial Heritage Resources Authority
PSSA	Palaeontological Society of South Africa
SADC	Southern African Development Community
SAHRA	South African Heritage Resources Agency

1 INTRODUCTION

Zinoju Coal is a high quality thermal and metallurgical coal producer with operations in Kwa-Zulu Natal, South Africa. They currently have two operational mines namely: Magdalena and Aviemore. Aviemore is located north of the town of Dundee in the Kwazulu-Natal Province. Zinoju Coal is planning to re-commission the old Balgray Colliery located to the south of the Aviemore operations, as part of the company's anthracite growth strategy. The Balgray Colliery is located within the Aviemore mining right area and was previously mined in 1967¹.

1.1 Background to the project

The mining method at Balgray will be conventional drill and blast, bord-and-pillar mining. Buffalo Coal is currently busy with recovery of infrastructure and equipment from another underground operation which will most likely be used at the Balgray Adit. Life of Mine is expected to be 5 years with a production rate of 45 000 tonnes per month. The mined coal will be processed at the Coalfields Processing Plant approximately 5.5 km to the south-east on the outskirts of Dundee. Therefore, coal will be hauled by truck via gravel roads and district roads through the town of Dundee¹.

Existing surface infrastructure include:

- 3 adits (Balgray Adit),
- Discard dump,
- Dirty water trenches,
- Evaporation ponds.

New surface infrastructure will include the following:

- Access roads
- Service platforms and Materials handling areas
- Pollution Control Dam
- Conveyor
- Magazine
- Stream Crossings ¹

¹ Information provided by PGS Heritage (Pty) Ltd

2 QUALIFICATIONS AND EXPERIENCE OF THE AUTHOR

The author (Elize Butler) has an MSc in Palaeontology from the University of the Free State, Bloemfontein, South Africa. She has been working in Palaeontology for more than twenty-four years. She has extensive experience in locating, collecting and curating fossils, including exploration field trips in search of new localities in the Karoo Basin. She has been a member of the Palaeontological Society of South Africa for 12 years. She has been conducting PIAs since 2014.

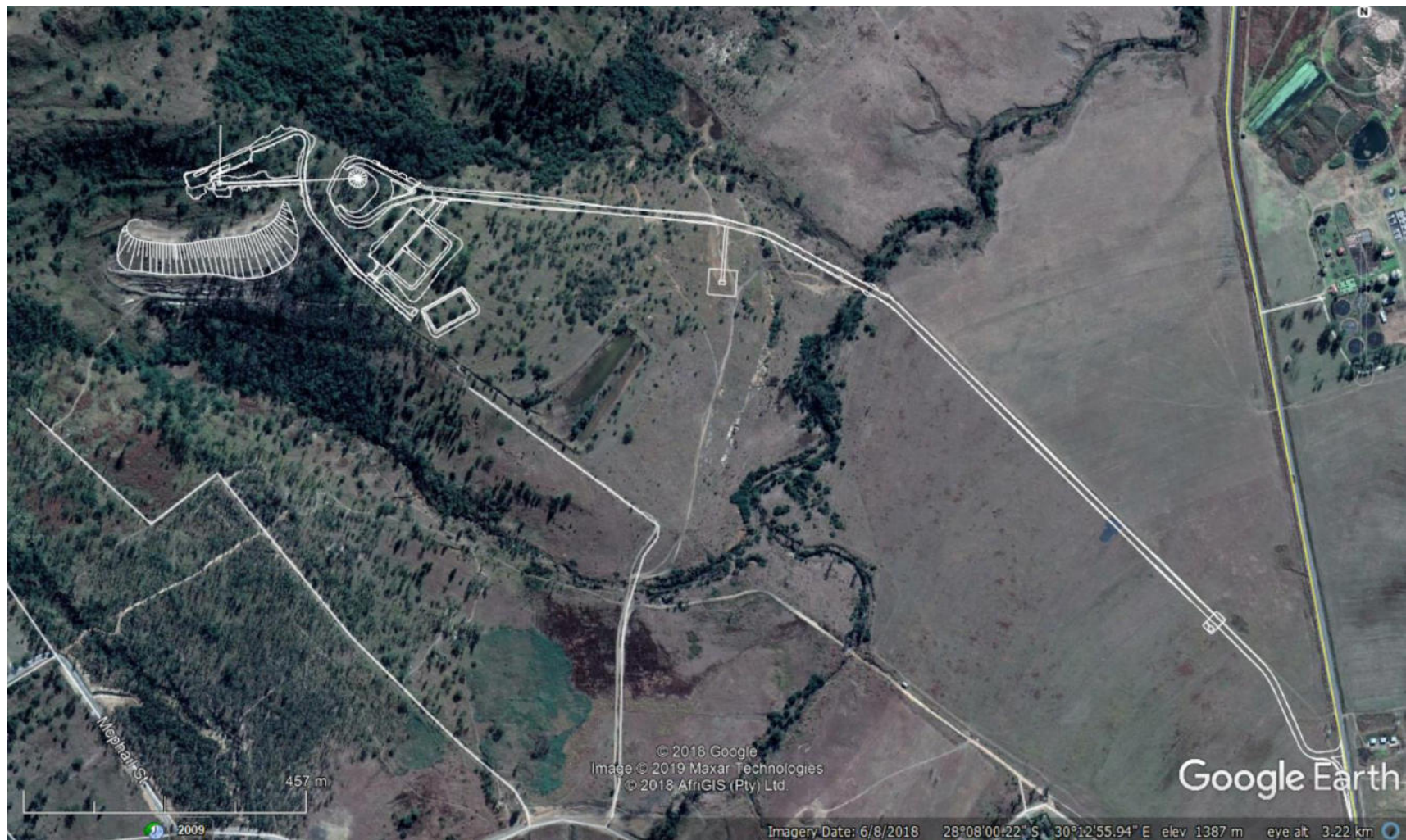


Figure 1: Google Earth Image (2019) indicating the Belgray Mining operations in white. Map provided by *Buffalo Coal*.

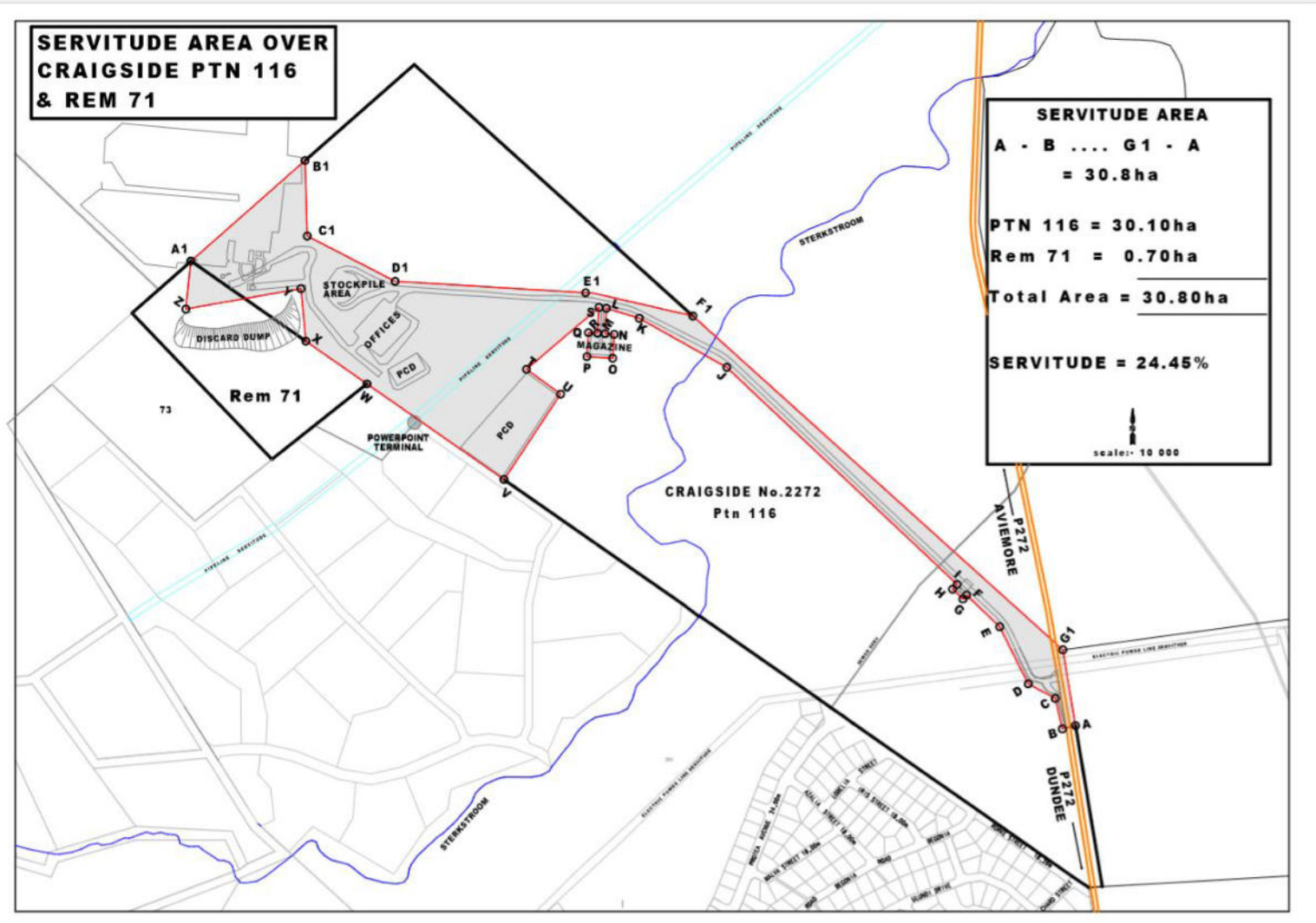


Figure 2: Servitude area over Graigsid No 2272, PTN 116 and REM 71.

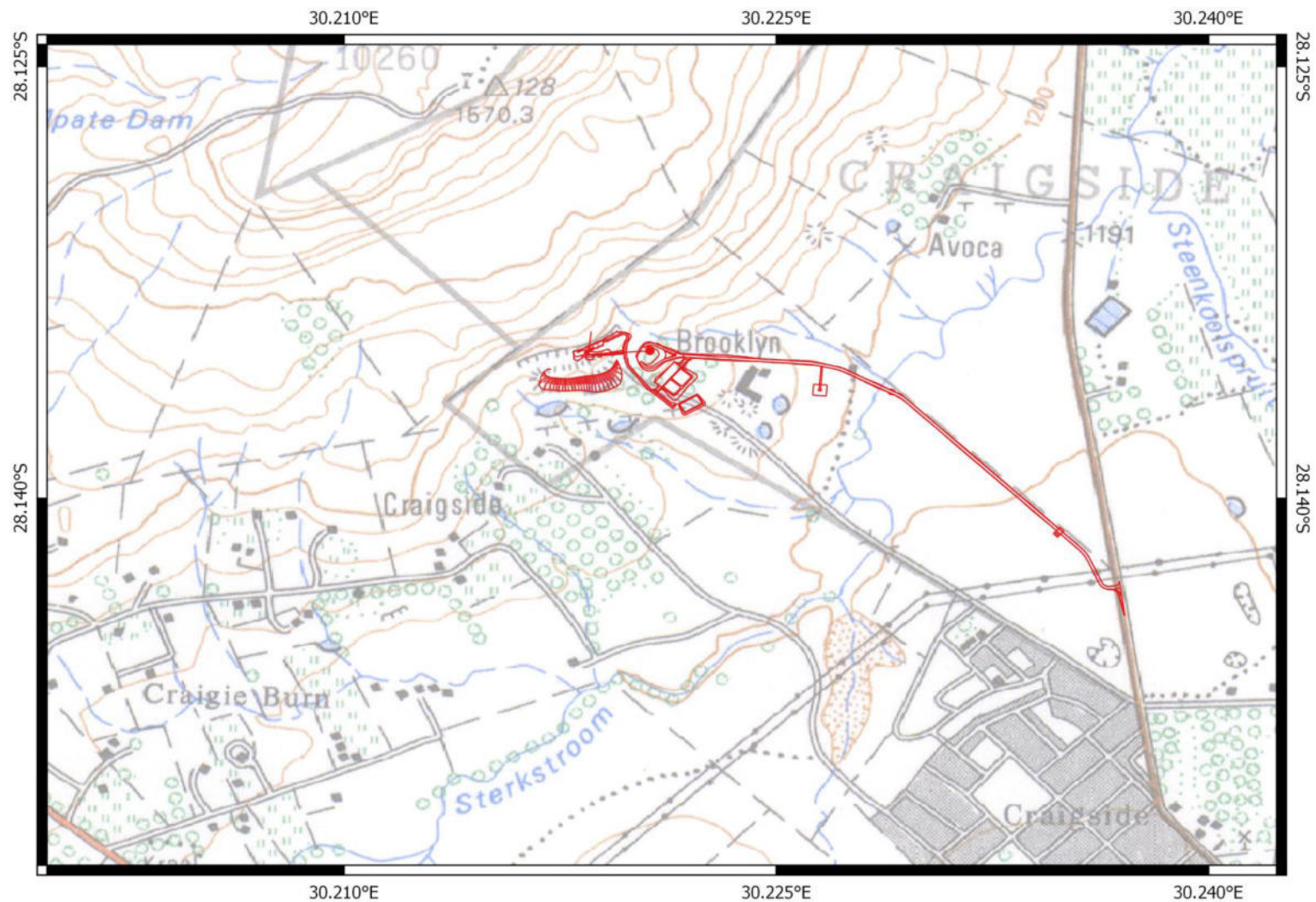


Figure 3. Extract of the 1:50 000 Topographical (2830 AA) map indicating the location of the old Belgray Colliery: Map was drawn by QGIS 2.18.28.

3 LEGISLATION

3.1 National Heritage Resources Act (25 of 1999)

Cultural Heritage in South Africa, includes all heritage resources, is protected by the National Heritage Resources Act (Act 25 of 1999) (NHRA). Heritage resources as defined in Section 3 of the Act include **“all objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens”**.

Palaeontological heritage is unique and non-renewable and is protected by the NHRA. Palaeontological resources may not be unearthed, broken moved, or destroyed by any development without prior assessment and without a permit from the relevant heritage resources authority as per section 35 of the NHRA.

This DIA forms part of the Heritage Impact Assessment (HIA) and adhere to the conditions of the Act. According to **Section 38 (1)**, an HIA is required to assess any potential impacts to palaeontological heritage within the development footprint where:

- the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300 m in length;
- the construction of a bridge or similar structure exceeding 50 m in length;
- any development or other activity which will change the character of a site—
- (exceeding 5 000 m² in extent; or
- involving three or more existing erven or subdivisions thereof; or
- involving three or more erven or divisions thereof which have been consolidated within the past five years; or
- the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority
- the re-zoning of a site exceeding 10 000 m² in extent;
- or any other category of development provided for in regulations by SAHRA or a Provincial heritage resources authority.

4 OBJECTIVE

The objective of a PIA is to determine the impact of the development on potential palaeontological material at the site.

According to the “SAHRA APM Guidelines: Minimum Standards for the Archaeological and Palaeontological Components of Impact Assessment Reports” the aims of the PIA are: 1) to

identify the palaeontological status of the exposed as well as rock formations just below the surface in the development footprint 2) to estimate the **palaeontological importance** of the formations 3) to determine the **impact** on fossil heritage; and 4) to recommend how the developer ought to protect or mitigate damage to fossil heritage.

The terms of reference of a DPIA are as follows:

General Requirements:

- Adherence to the content requirements for specialist reports in accordance with Appendix 6 of the EIA Regulations 2014, as amended;
- Adherence to all applicable best practice recommendations, appropriate legislation and authority requirements;
- Submit a comprehensive overview of all appropriate legislation, guidelines;
- Description of the proposed project and provide information regarding the developer and consultant who commissioned the study,
- Description and location of the proposed development and provide geological and topographical maps
- Provide Palaeontological and geological history of the affected area.
- Identification of sensitive areas to be avoided (providing shapefiles/kmls) in the proposed development;
- Evaluation of the significance of the planned development during the Pre-construction, Construction, Operation, Decommissioning Phases and Cumulative impacts. Potential impacts should be rated in terms of the direct, indirect and cumulative:
 - a. **Direct impacts** are impacts that are caused directly by the activity and generally occur at the same time and at the place of the activity.
 - b. **Indirect impacts** of an activity are indirect or induced changes that may occur as a result of the activity.
 - c. **Cumulative impacts** are impacts that result from the incremental impact of the proposed activity on a common resource when added to the impacts of other past, present or reasonably foreseeable future activities.
- Fair assessment of alternatives (infrastructure alternatives have been provided):
- Recommend mitigation measures to minimise the impact of the proposed development; and
- Implications of specialist findings for the proposed development (such as permits, licenses etc).

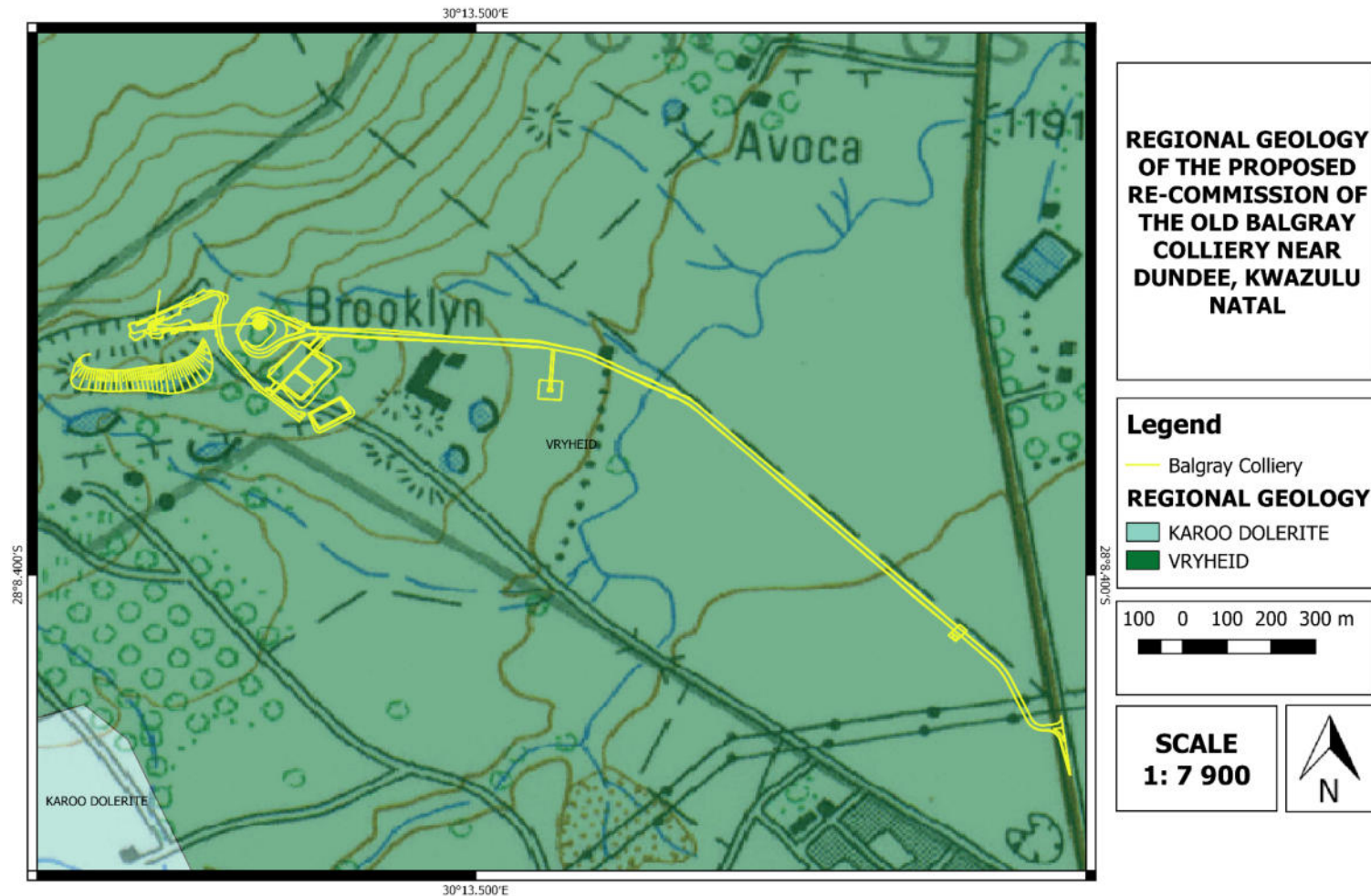


Figure 4. Surface geology of the proposed old Balgray Colliery development is completely underlain by the Vryheid Formation, Ecca Group (Karoo Supergroup).:

Map was drawn by QGIS 2.18.28.

5 GEOLOGICAL AND PALAEOONTOLOGICAL HISTORY

The proposed Balgray Colliery, near Dundee in KwaZulu Natal is entirely underlain by the Vryheid Formation of the Ecca Group (Karoo Supergroup) (Figure 4). According to the PalaeoMap of South African Heritage Resources Information System the Palaeontological Sensitivity of the Vryheid Formation is Very High while the Ecca has a moderate Palaeontological Sensitivity (Almond and Pether 2008, SAHRIS website).

All of the South African coalfields occur in the Main Karoo Basin or its associated sub-basins. The Main Karoo Basin forms part of a principal series of Gondwanan basins that was established along the southern boundary of Gondwana (Cole, 1992; De Wit and Ransome 1992; Veevers et al. 1994; Catuneanu et al. 1998;). These basins include Beacon Basin in Antarctica, Bowen Basin in Australia as well as the Paraná Basin in South America. These Basins formed between the Late Carboniferous and Middle Jurassic and their joint stratigraphies characterize the best record of non-marine sedimentation in the world.

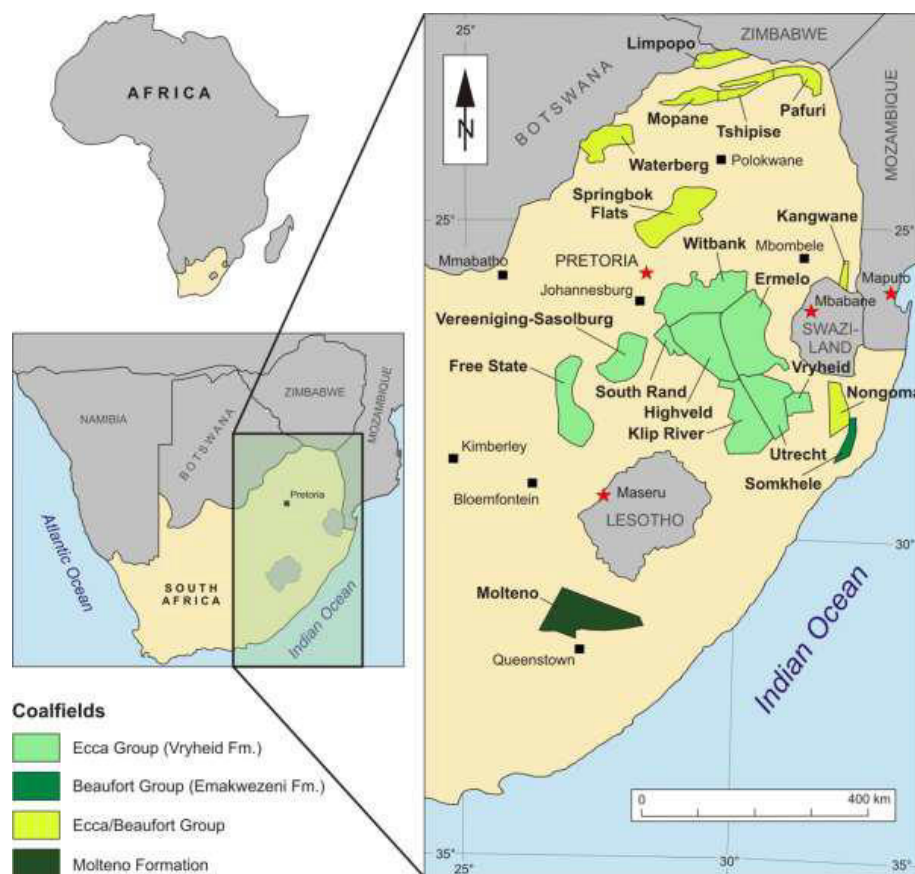


Figure 5: Coalfields of Southern Africa, taken from Hancox and Götz (2014).

Most of the coal mined in South Africa is from the Permian Vryheid Formation (Figure 5). The depth of the Vryheid Formation in the main Karoo Basin varies from 70 m to 500 m near Vryheid and Newcastle in Kwazulu-Natal, where the basin was at its deepest.

Table 1: *Ecca Group and Formations. (Modified from Johnson et al, 2006).*

Period	Supergroup	Group	Formation West of 24° E	Formation East of 24° E	Formation Free State / KwaZulu Natal
Permian	Karoo Supergroup	Ecca Group	Waterford Formation	Waterford Formation	Volksrust Formation
			Tierberg / Fort Brown Formation	Fort Brown Formation	
			Laingsburg / Rippon Formation	Rippon Formation	Vryheid Formation
			Collingham Formation	Collingham Formation	Pietermaritzburg Formation
			Whitehill Formation	Whitehill Formation	
			Prince Albert Formation	Prince Albert Formation	
				Mbizane Formation	

This Group consists of the following Formations (DWA, 1998):

The **Vryheid Formation** comprises mudrock, rhythmite, siltstone and fine- to coarse-grained sandstone (pebbly in places). The Formation contains up to five (mineable) coal seams. The different lithofacies are mainly arranged in upward-coarsening deltaic cycles (up to 80m thick in the southeast). Fining-upward fluvial cycles, of which up to six are present in the east, are typically sheet-like in geometry, although some form valley-fill deposits. They comprise coarse-grained to pebbly, immature sandstones - with an abrupt upward transition into fine-grained sediments and coal seams.

The Vryheid Formation is known to contain a rich assemblage of Glossopteris flora which is the source vegetation for the Vryheid Formation. Gymnospermous glossopterids dominated the peat and non-peat accumulating of Permian wetlands after continental deglaciation took place (Falcon, 1986c, Greb et al., 2006).

Recent paleobotanical studies in the Vryburg Formation include that of Adendorff (2005), Bordy and Prefec (2008) and Prefec *et al.* (2008, 2009, 2010) and Prevec, (2011). Bamford (2011) described numerous plant fossils from this formation (e.g. *Azaniodendron fertile*, *Cyclodendron*

leslii, *Sphenophyllum hammanskraalensis*, *Annularia* sp., *Raniganjia* sp., *Asterotheca* spp., *Liknopetalon enigmata*, *Hirsutum* sp., *Scutum* sp., *Ottokaria* sp., *Estcourtia* sp., *Arberia* sp., *Lidgettonia* sp., *Noeggerathiopsis* sp., *Podocarpidites* sp as well as more than 20 Glossopteris species.

In the past palynological studies have focused on the coal bearing successions of the Vryheid Formation and include articles by Aitken (1993, 1994, 1998), and Millstead (1994, 1999), while recent studies focussed on the Witbank Coalfield were conducted by Götz and Ruckwied (2014).

Bamford (2011) is of the opinion that only a small amount of data has been published on these potentially fossiliferous deposits and that most likely good material is present around coal mines and in other areas the exposures are poor and of little interest. When plant fossils do occur, they are usually abundant. According to Bamford, it is not feasible to preserve all the sites but in the interests of science these sites ought to be well documented, researched and the collected fossils must be housed in an accredited institution.

To date no fossil vertebrates have been collected from the Vryheid formation. The occurrence of fossil insects is rare, while palynomorphs are diverse. Non-marine bivalves and fish scales have also been reported from this formation. Trace fossils are abundantly found but the diversity is low. The mesosaurid reptile, *Mesosaurus* has been found in the southern parts of the basin but may also be present in other areas of the Vryheid formation. Regardless of the rare and irregular occurrence of fossils in this biozone, a single fossil may be of scientific importance as many fossil taxa are known from a single fossil.



Figure 6: Glossopteris leaf.



Figure 7: Mesosaurus sp. <https://www.google.com/>



Figure 8: Extract of the 1 in 250 000 SAHRIS PalaeoMap map (Council of Geosciences).
Approximate location of the proposed development is indicated in black

Colour	Sensitivity	Required Action
RED	VERY HIGH	field assessment and protocol for finds is required
ORANGE/YELLOW	HIGH	desktop study is required and based on the outcome of the desktop study, a field assessment is likely
GREEN	MODERATE	desktop study is required
BLUE	LOW	no palaeontological studies are required however a protocol for finds is required
GREY	INSIGNIFICANT/ZERO	no palaeontological studies are required
WHITE/CLEAR	UNKNOWN	these areas will require a minimum of a desktop study. As more information comes to light, SAHRA will continue to populate the map.

According to the SAHRIS palaeo-sensitivity map (Figure 8) there is very high possibility of finding fossils in this area.

6 GEOGRAPHICAL LOCATION OF THE SITE

The proposed Balgray Mining Operations on Graigside No 2272, PTN 116 and REM 71, near Dundee, KwaZulu Natal is situated approximately 1.6 km north of Dundee.

7 METHODS

A desktop study was assembled to evaluate the possible risk to palaeontological heritage (this includes fossils as well as trace fossils) in the proposed development area. In compiling the desktop report aerial photos, Google Earth 2018, topographical and geological maps and other reports from the same area as well as the author's experience were used to assess the proposed development footprint.

7.1 Assumptions and Limitations

The accuracy of PIA is reduced by several factors which may include the following: the databases of institutions are not always up to date and relevant locality and geological information were not accurately documented in the past. Various remote areas of South Africa have not been assessed by palaeontologists and data is based on aerial photographs alone. Geological maps concentrate on the geology of an area and the sheet explanations were never intended to focus on palaeontological heritage.

Similar Assemblage Zones, but in different areas is used to provide information on the presence of fossil heritage in an unmapped area. Desktop studies of similar geological formations and Assemblage Zones generally **assume** that exposed fossil heritage is present within the development area. The accuracy of the Palaeontological Impact Assessment is thus improved considerably by conducting a field-assessment.

8 ADDITIONAL INFORMATION CONSULTED

In compiling this report the following sources were consulted:

- The Palaeo-sensitivity Map from the SAHRIS website.
- 2830 AA Topographical map
- Geological map 1:100 000, Geology of the Republic of South Africa (Visser 1984)
- A Google Earth map with polygons of the proposed development was obtained from PGS Consultants.

9 SITE VISIT

The following photographs were taken during the site visit to the proposed project site of the Balgay Mine near Dundee in the KwaZulu Natal. No fossiliferous outcrop was identified during the site investigation and no consultation processes were undertaken for this study.



Figure 9: Ground cover. GPS coordinates 28°08'12"S 30°13'47"E



Figure 10: Unfossiliferous sediments. GPS coordinates 28° 8'8.23"S 30°13'37.51"E



Figure 11: Coal scattered on surface. Unfossiliferous. GPS coordinates 28 08 07S 30 13 13E



Figure 12: Coal seam just below the surface. GPS coordinates 28°08' 06"S 30°13'07E

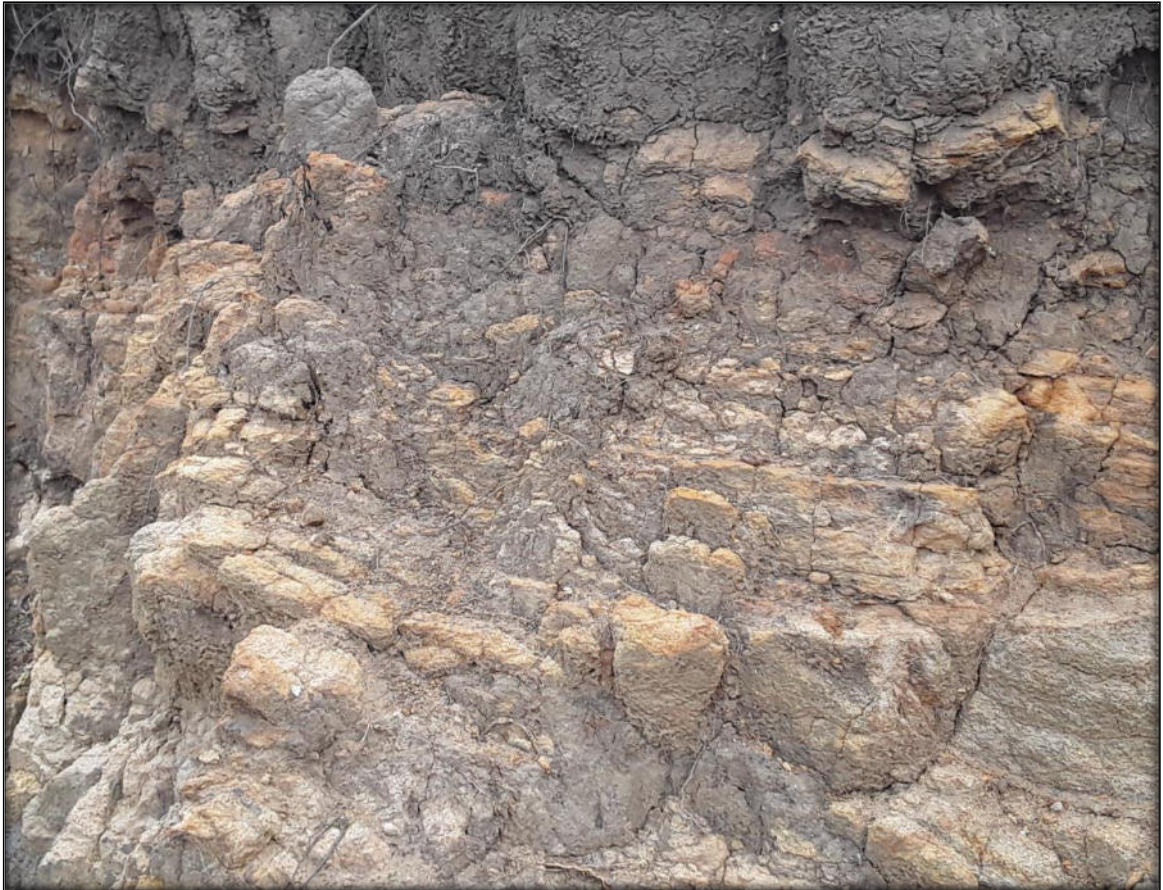


Figure 13: Unfossiliferous outcrop. GPS coordinates 28°08' 06"S 30°13'06E



Figure 14: Unfossiliferous surface sediments. GPS coordinates 28° 8'6.67"S 30°13'4.99"E

10 IMPACT ASSESSMENT METHODOLOGY

An assessment of the impact significance of the proposed Balgray upgrade on local fossil heritage is presented here:

10.1 Methodology for Impact Assessment

In order to ensure uniformity, a standard impact assessment methodology has been utilised so that a wide range of impacts can be compared. The impact assessment methodology makes provision for the assessment of impacts against the following criteria:

- Significance;
- Spatial scale;
- Temporal scale;
- Probability; and

- Degree of certainty.

A combined quantitative and qualitative methodology was used to describe impacts for each of the aforementioned assessment criteria. A summary of each of the qualitative descriptors, along with the equivalent quantitative rating scale for each of the aforementioned criteria, is given in Error! Reference source not found..

Table 2: Quantitative rating and equivalent descriptors for the impact assessment criteria

RATING	SIGNIFICANCE	EXTENT SCALE	TEMPORAL SCALE
1	VERY LOW	<i>Isolated site/ proposed corridor</i>	<u>Incidental</u>
2	LOW	Study area	<u>Short-term</u>
3	MODERATE	<i>Local</i>	<u>Medium-term</u>
4	HIGH	<i>Regional / Provincial</i>	<u>Long-term</u>
5	VERY HIGH	<i>Global / National</i>	Permanent

A more detailed description of each of the assessment criteria is given in the following sections.

10.1.1 Significance Assessment

The Significance rating (importance) of the associated impacts embraces the notion of extent and magnitude, but does not always clearly define these, since their importance in the rating scale is very relative. For example, the magnitude (i.e. the size) of an area affected by atmospheric pollution may be extremely large (1000 km²) but the significance of this effect is dependent on the concentration or level of pollution. If the concentration is great, the significance of the impact would be HIGH or VERY HIGH, but if it is diluted it would be VERY LOW or LOW. Similarly, if 60 ha of a grassland type are destroyed, the impact would be VERY HIGH if only 100 ha of that grassland type were known. The impact would be VERY LOW if the grassland type was common.

A more detailed description of the impact significance rating scale is given in Error! Reference source not found. below.

Table 3: Description of the significance rating scale

RATING	DESCRIPTION
5	VERY HIGH Of the highest order possible within the bounds of impacts which could occur. In the case of adverse impacts: there is no possible mitigation and/or remedial activity which could offset the impact. In the case of beneficial impacts, there is no real alternative to achieving this benefit.
4	HIGH Impact is of substantial order within the bounds of impacts which could occur. In the case of adverse impacts: mitigation and/or remedial activity

		is feasible but difficult, expensive, time-consuming or some combination of these. In the case of beneficial impacts, other means of achieving this benefit are feasible but they are more difficult, expensive, time-consuming or some combination of these.
3	MODERATE	Impact is real but not substantial in relation to other impacts, which might take effect within the bounds of those which could occur. In the case of adverse impacts: mitigation and/or remedial activity are both feasible and fairly easily possible. In the case of beneficial impacts: other means of achieving this benefit are about equal in time, cost, effort, etc.
2	LOW	Impact is of a low order and therefore likely to have little real effect. In the case of adverse impacts: mitigation and/or remedial activity is either easily achieved or little will be required, or both. In the case of beneficial impacts, alternative means for achieving this benefit are likely to be easier, cheaper, more effective, less time consuming, or some combination of these.
1	VERY LOW	Impact is negligible within the bounds of impacts which could occur. In the case of adverse impacts, almost no mitigation and/or remedial activity are needed, and any minor steps which might be needed are easy, cheap, and simple. In the case of beneficial impacts, alternative means are almost all likely to be better, in one or a number of ways, than this means of achieving the benefit. Three additional categories must also be used where relevant. They are in addition to the category represented on the scale, and if used, will replace the scale.
0	NO IMPACT	There is no impact at all - not even a very low impact on a party or system.

10.1.2 Spatial Scale

The spatial scale refers to the extent of the impact i.e. will the impact be felt at the local, regional, or global scale. The spatial assessment scale is described in more detail in the table below.

Table 4: Description of the Spatial significance rating scale

RATING		DESCRIPTION
5	Global/National	The maximum extent of any impact.
4	Regional/Provincial	The spatial scale is moderate within the bounds of possible impacts, and will be felt at a regional scale (District Municipality to Provincial Level). The impact will affect an area up to 50 km from the proposed site.
3	Local	The impact will affect an area up to 5 km from the proposed site.
2	Study Area	The impact will affect an area not exceeding the boundary of the study area.
1	Isolated Sites / proposed site	The impact will affect an area no bigger than the site.

10.1.3 Temporal/Duration Scale

In order to accurately describe the impact, it is necessary to understand the duration and persistence of an impact in the environment. The temporal or duration scale is rated according to criteria set out in **Table 5**.

Table 5: Description of the temporal rating scale

RATING		DESCRIPTION
1	Incidental	The impact will be limited to isolated incidences that are expected to occur very sporadically.
2	Short-term	The environmental impact identified will operate for the duration of the construction phase or a period of less than 5 years, whichever is the greater.
3	Medium-term	The environmental impact identified will operate for the duration of life of the project.
4	Long-term	The environmental impact identified will operate beyond the life of operation of the project.
5	Permanent	The environmental impact will be permanent.

10.1.4 Degree of Probability

The probability, or likelihood, of an impact occurring will be described as shown in Table 6 below.

Table 6: Description of the degree of probability of an impact occurring

RATING	DESCRIPTION
1	Practically impossible
2	Unlikely
3	Could happen
4	Very likely
5	It's going to happen / has occurred

10.1.5 Degree of Certainty

As with all studies, it is not possible to be 100% certain of all facts, and for this reason a standard “degree of certainty” scale is used, as discussed in Error! Reference source not found.. The level of detail for specialist studies is determined according to the degree of certainty required for decision-making. The impacts are discussed in terms of affected parties or environmental components.

Table 7: Description of the degree of certainty rating scale

RATING	DESCRIPTION
Definite	More than 90% sure of a particular fact.

Probable	Between 70 and 90% sure of a particular fact, or of the likelihood of that impact occurring.
Possible	Between 40 and 70% sure of a particular fact, or of the likelihood of an impact occurring.
Unsure	Less than 40% sure of a particular fact or the likelihood of an impact occurring.
Can't know	The consultant believes an assessment is not possible even with additional research.

10.1.6 Quantitative Description of Impacts

To allow for impacts to be described in a quantitative manner, in addition to the qualitative description given above, a rating scale of between 1 and 5 was used for each of the assessment criteria. Thus the total value of the impact is described as the function of significance, spatial and temporal scale, as described below:

$$\text{Impact Risk} = \frac{(\text{SIGNIFICANCE} + \text{Spatial} + \text{Temporal})}{3} \times \frac{\text{Probability}}{5}$$

An example of how this rating scale is applied is shown below:

Table 8: Example of Rating Scale

IMPACT	SIGNIFICANCE	SPATIAL SCALE	TEMPORAL SCALE	PROBABILITY	RATING
	Very High	Study Area	Permanent	Very likely	High
Impact on Palaeontological sites	5	2	5	3	2.4

Note: The significance, spatial and temporal scales are added to give a total of 12, which is divided by 3 to give a criterion rating of 4. The probability (3) is divided by 5 to give a probability rating of 0.6. The criteria rating of 4 is then multiplied by the probability rating (0,6) to give the final rating of 2.4.

The impact risk is classified according to 5 classes as described in the table below.

Table 9: Impact Risk Classes

RATING	IMPACT CLASS	DESCRIPTION
0.1 – 1.0	1	Very Low
1.1 – 2.0	2	Low
2.1 – 3.0	3	Moderate
3.1 – 4.0	4	High

4.1 – 5.0	5	Very High
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Therefore, with reference to the example used for air quality above, an impact rating of 2.4 will fall in the Impact Class 3, which will be considered to be a Moderate impact.

10.2 Summary of Impact Tables

The development footprint is completely underlain by the Vryheid Formation of the Ecca Group. The Palaeontological Sensitivity of this formation is rated as Very High. The expected duration of the impact is assessed as potentially permanent. In the absence of mitigation procedures (should fossil material be present within the affected area) the damage or destruction of any palaeontological materials will be **permanent**. Impacts on palaeontological heritage during the construction phase could potentially occur but is possible.

11 FINDINGS AND RECOMMENDATIONS

The proposed Balgray Mining Operations near Dundee, KwaZulu Natal is entirely underlain by the Vryheid Formation of the Ecca Group (Karoo Supergroup). According to the PalaeoMap of South African Heritage Resources Information System the Palaeontological Sensitivity of the Vryheid Formation is Very High while the Ecca has a moderate Palaeontological Sensitivity (Almond and Pether 2008, SAHRIS website).

A 1-day site specific field survey of the development footprint were conducted on foot and by motor vehicle on 20 October 2019. No visible evidence of fossiliferous outcrops was found. For this reason, an overall low palaeontological sensitivity is allocated to the development footprint. The scarcity of fossil heritage at the proposed development footprint indicates that the impact of the old Balgray mining upgrade will be of a medium significance in palaeontological terms. It is therefore considered that the proposed development is deemed appropriate and feasible and will not lead to detrimental impacts on the palaeontological resources of the area. Thus, the construction of the development may be authorised in its whole extent, as the development footprint is not considered sensitive in terms of palaeontological resources.

If fossil remains are discovered during any phase of construction, either on the surface or exposed by fresh excavations the **Chance Find Protocol** must be implemented by the ECO in charge of these developments. These discoveries ought to be protected (if possible, *in situ*) and the ECO must report to SAHRA (Contact details: SAHRA, 111 Harrington Street, Cape Town. PO Box 4637, Cape Town 8000, South Africa. Tel: 021 462 4502. Fax: +27 (0)21 462 4509. Web: www.sahra.org.za) so that suitable mitigation (*e.g.* recording and collection) can be carry out by a paleontologist.

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Preceding any collection of fossil material, the specialist would need to apply for a collection permit from SAHRA. Fossil material must be curated in an accredited collection (museum or university collection), while all fieldwork and reports should meet the minimum standards for palaeontological impact studies suggested by SAHRA.

Recommendations:

- The EAP and ECO for this project must be informed that the Vryheid Formation of the Ecca Group (Karoo Supergroup) has a Very High Palaeontological Sensitivity while the Ecca has a moderate Palaeontological Sensitivity. There is thus a very high chance that fossils could be present in the proposed Balgray Mining Operations upgrade.
- If fossil remains are discovered during any phase of construction, either on the surface or exposed by new excavations the **Chance Find Protocol** must be implemented by the ECO in charge of these developments. These discoveries ought to be secured (if possible, *in situ*) and the ECO ought to alert SAHRA so that appropriate mitigation (documented and collection) can be undertaken by a palaeontologist.
- These recommendations must form part of the Heritage Management Plan and EMPr for Balgray Mine. for Balgray Mine.

12 CHANCE FINDS PROTOCOL

A following procedure will only be followed if fossils are uncovered during excavation.

12.1 Legislation

Cultural Heritage in South Africa (includes all heritage resources) is protected by the **National Heritage Resources Act (Act 25 of 1999) (NHRA)**. According to Section 3 of the Act, all Heritage resources include “**all objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens**”.

Palaeontological heritage is unique and non-renewable and is protected by the NHRA and are the property of the State. It is thus the responsibility of the State to manage and conserve fossils on behalf of the citizens of South Africa. Palaeontological resources may not be excavated, broken, moved, or destroyed by any development without prior assessment and without a permit from the relevant heritage resources authority as per section 35 of the NHRA.

12.2 Background

A fossil is the naturally preserved remains (or traces) of plants or animals embedded in rock. These plants and animals lived in the geologic past millions of years ago. Fossils are extremely rare and irreplaceable. By studying fossils it is possible to determine the environmental conditions that existed in a specific geographical area millions of years ago.

12.3 Introduction

This informational document is intended for workmen and foremen on construction sites. It describes the actions to be taken when mining or construction activities accidentally uncovers fossil material.

It is the responsibility of the Environmental Control Officer (ECO) of the project to train the workmen and foremen in the procedure to follow when a fossil is accidentally uncovered. In the absence of the ECO, a member of the staff must be appointed to be responsible for the proper implementation of the chance find protocol as not to compromise the conservation of fossil material.

12.4 Chance Find Procedure

- If a chance find is made the person responsible for the find must immediately **stop working** and all work must cease in the immediate vicinity of the find.
- The person who made the find must immediately **report** the find to his/her direct supervisor which in turn must report the find to his/her manager and the ECO or site manager. The ECO must report the find to the relevant Heritage Agency (South African Heritage Research Agency, SAHRA). (Contact details: SAHRA, 111 Harrington Street, Cape Town. PO Box 4637, Cape Town 8000, South Africa. Tel: 021 462 4502. Fax: +27 (0)21 462 4509. Web: www.sahra.org.za). The information to the Heritage Agency must include photographs of the find, from various angles, as well as the GPS co-ordinates.
- A preliminary report must be submitted to the Heritage Agency within **24 hours** of the find and must include the following: 1) date of the find; 2) a description of the discovery and a 3) description of the fossil and its context (depth and position of the fossil), GPS co-ordinates.
- Photographs (as many as you can) of the discovery must be of high quality, in focus, accompanied by a scale. It is also important to have photographs of the vertical section (side) where the fossil was found.

Upon receipt of the preliminary report, the Heritage Agency will inform the ECO (site manager) whether a rescue excavation or rescue collection by a palaeontologist is necessary.

- The site must be secured to protect it from any further damage. **No attempt** should be made to remove material from their environment. The exposed finds must be stabilized and covered by a plastic sheet or sand bags. The Heritage agency will also be able to advise on the most suitable method of protection of the find.
- In the event that the fossil cannot be stabilized the fossil may be collected with extreme care by the ECO (site manager). Fossils finds must be stored in tissue paper and in an appropriate box while due care must be taken to remove all fossil material from the rescue site.
- Once Heritage Agency has issued the written authorization, the developer may continue with the development.

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Appendix A – Elize Butler CV

CURRICULUM VITAE

ELIZE BUTLER

PROFESSION: Palaeontologist
YEARS' EXPERIENCE: 26 years in Palaeontology

EDUCATION: B.Sc Botany and Zoology, 1988
University of the Orange Free State

B.Sc (Hons) Zoology, 1991
University of the Orange Free State

Management Course, 1991
University of the Orange Free State

M. Sc. *Cum laude* (Zoology), 2009
University of the Free State

Dissertation title: The postcranial skeleton of the Early Triassic non-mammalian Cynodont *Galesaurus planiceps*: implications for biology and lifestyle

Registered as a PhD fellow at the Zoology Department of the UFS

2013 to current

Dissertation title: A new gorgonopsian from the uppermost *Daptocephalus Assemblage Zone*, in the Karoo Basin of South Africa

MEMBERSHIP

Palaeontological Society of South Africa (PSSA) 2006-currently

EMPLOYMENT HISTORY

Part-time Laboratory assistant	Department of Zoology & Entomology University of the Free State Zoology 1989-1992
Part-time laboratory assistant	Department of Virology University of the Free State Zoology 1992
Research Assistant	National Museum, Bloemfontein 1993 – 1997
Principal Research Assistant and Collection Manager	National Museum, Bloemfontein 1998–currently

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31. **Butler, E. 2016.** Ezibeleni waste Buy-Back Centre (near Queenstown), Enoch Mgijima Local Municipality, Eastern Cape. Bloemfontein.
32. **Butler, E. 2016.** Palaeontological Impact Assessment for the proposed construction of two 5 Mw Solar Photovoltaic Power Plants on Farm Wildebeestkuil 59 and Farm Leeuwbosch 44, Leeudoringstad, North West Province. Bloemfontein.
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55. **Butler, E. 2017.** Palaeontological Desktop Assessment of the construction of the proposed Viljoenskroon Munic 132 KV line, Vierfontein substation and related projects. Bloemfontein.
56. **Butler, E. 2017.** Palaeontological Desktop Assessment of the proposed rehabilitation of 5 ownerless asbestos mines. Bloemfontein.
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64. **Butler, E. 2017.** Palaeontological Impact Assessment of the proposed Belvoir aggregate quarry II on portion 7 of the farm Maidenhead 169, Enoch Mgijima Municipality, division of Queenstown, Eastern Cape. Bloemfontein.
65. **Butler, E. 2017.** PIA site visit and report of the proposed Galla Hills Quarry on the remainder of the farm Roode Krantz 203, in the Lukhanji Municipality, division of Queenstown, Eastern Cape Province. Bloemfontein.
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84. **Butler, E. 2018.** Palaeontological Impact Assessment of the proposed development of the new Mutsho coal-fired power plant and associated infrastructure near Makhado, Limpopo Province. Bloemfontein.
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120. **E. Butler. 2019.** Palaeontological Exemption Letter for the proposed DMS Upgrade Project at the Sishen Mine, Gamagara Local Municipality, Northern Cape Province
121. **E. Butler. 2019.** Palaeontological Desktop Assessment of the proposed Integrated Environmental Authorisation process for the proposed Der Brochen Amendment project, near Groblershoop, Limpopo
122. **E. Butler. 2019.** Palaeontological Desktop Assessment of the proposed updated Environmental Management Programme (EMPr) for the Assmang (Pty) Ltd Black Rock Mining Operations, Hotazel, Northern Cape
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131. **E. Butler. 2019.** Palaeontological Desktop Assessment for The Proposed 920 Kwp Groenheuwel Solar Plant Near Augrabies, Northern Cape Province
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133. **E. Butler. 2019.** Palaeontological Impact Assessment for the proposed Sace Lifex Project, Near Emalaheni, Mpumalanga Province
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136. **E. Butler. 2019.** Palaeontological Impact Assessment for the proposed Umsobomvu Solar PV Energy Facilities, Northern and Eastern Cape
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138. **E. Butler. 2019.** Palaeontological field Assessment of the Filling Station (Rietvlei Extension 6) on the Remaining Portion of Portion 1 of the Farm Witkoppies 393JR east of the Rietvleidam Nature Reserve, City of Tshwane, Gauteng

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147. **E. Butler. 2019.** Palaeontological Desktop Assessment for the Proposed New Railway Bridge, and Rail Line Between Hotazel And The Gloria Mine, Northern Cape Province
148. **E. Butler. 2019.** Palaeontological Exemption Letter Of The Proposed Mixed Use Commercial Development On Portion 17 Of Farm Boegoeberg Settlement Number 48, IKheis Local Municipality In The Northern Cape Province
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CONFERENCE CONTRIBUTIONS

NATIONAL

PRESENTATION

Butler, E., Botha-Brink, J., and F. Abdala. A new gorgonopsian from the uppermost *Dicynodon Assemblage Zone*, Karoo Basin of South Africa. 18 the Biennial conference of the PSSA 2014. Wits, Johannesburg, South Africa.

INTERNATIONAL

Attended the Society of Vertebrate Palaeontology 73th Conference in Los Angeles, America.
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Butler, E., and J. Botha-Brink. Cranial skeleton of *Galesaurus planiceps*, implications for biology and lifestyle. University of the Free State Seminar Day, Bloemfontein. South Africa. November 2007.

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INTERNATIONAL VISITS

Natural History Museum, London

July 2008

Paleontological Institute, Russian Academy of Science, Moscow

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