



an agency of the
Department of Arts and Culture

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CaseID: 11571

Date: Thursday October 18, 2018

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Final Comment

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

Attention: Ntshovelo Mining Resources (Pty) Ltd

Ntshovelo Mining Resources (Pty) Ltd, a subsidiary of Mbuyelo Coal (Pty) Ltd, has appointed Geo Soil and Water cc (GSW) as the Environmental Assessment Practitioner (EAP) to assist with undertaking the necessary authorisation and amendment processes for Vlakvarkfontein Coal Mine. In turn GSW has appointed EIMS as well as various specialist sub-consultants to assist with compiling the necessary reports and undertaking the statutory consultation processes, in support of proposed extensions to the Vlakvarkfontein Coal Mine. It is anticipated that several listed activities contained in the National Environmental Management Act (Act 107 of 1998) (NEMA), National Environmental Management Waste Act (Act 59 of 2008) (NEMWA) and National Water Act (Act 36 of 1998) (NWA) will be triggered by the proposed extension.

In 29/03/2018 SAHRA issued an Interim Comment whereby the 2011 Heritage Impact Assessment (HIA) and a 2018 Paleontological Impact Assessment (PIA) reports by PGS Heritage (Pty) Ltd were summarised as follows:

Thomose, N. May. 2011. Phase I Heritage Impact Assessment Proposed Vlakvarkfontein Colliery Expansion Project.

The author undertook a field assessment of the proposed Vlakvarkfontein expansion area and found 8 heritage resources within the mine right area. Sites VVF01 to VVF04 and VVF08 are built structures, and Sites VVF05 to VVF07 are cemeteries. Sites VVF05; VVF06 located in the expansion area, Site VVF07 located outside the mine expansion area.

Baker, S. October 2017. Palaeontological Impact Assessment for the Expansion of Open Cast Mining, a New Integrated Water Use License and the Establishment of a Coal Processing Facility by Ntshovelo Mining Resources (Pty) Ltd on Farm Vlakvarkfontein 213R, Victor Khanye Local Municipality, Mpumalanga Province.

The author undertook a field assessment of the proposed Vlakvarkfontein expansion area and found shale and sandstone layers of the Vryheid Formation, Eccla Group, Karoo Supergroup. This formation has a Very High



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palaeontological significance and sensitivity for Glossopteris Flora fossils however there have been no reports of Glossopteris fossils in the Delmas area and the field survey did not document any fossils in the exposed Vryheid Formation layers.

SAHRA within the Interim Comment requested that a new updated HIA is conducted by a suitably qualified archaeologist, because the 2011 HIA was outdated and it did not assess the impacts of the current proposed development on any identified heritage resources. An updated HIA by PGS Heritage has since been submitted to the case for commenting.

Fourie, W. August 2018. Vlakvarkfontein Coal Mine Extension, Associated Infrastructure and Amendments to Existing Licence Conditions Vlakvarkfontein 213-IR in Delmas Mpumalanga Province.

The author undertook a field assessment of the proposed mining area in 2017 when the survey for the PIA was undertaken. There were not any additional heritage resources within the proposed expansion area and the only heritage resources that were identified were those that were identified in the 2011 HIA report. These sites were Sites VVF001 to VVF004 and VVF008 which are built structures, and Sites VVF005 to VVF007 which are cemeteries. Sites VVF005; VVF006 are located in the expansion area, Site VVF007 is located outside the mine expansion area. Due to the disturbed nature of the project area, the author determines that there is a very low likelihood of any heritage resources being uncovered during construction.

The author recommends the following mitigation measures:

A minimum 20 m buffer area around the cemeteries, particularly site VVF006, and the buffer area must be demarcated by a soil berm to prevent any unintentional damage from mining activities.

Final Comment

SAHRA Archaeology, Palaeontology, Meteorites (APM) Unit accepts the recently submitted HIA report, the PIA report and the recommendations provided. SAHRA has no objections to the development on the following conditions:

- If any fossils are uncovered during construction and operation of the mine, then the ECO must be informed of the findings and a 10 m boundary around the findings must be maintained until a palaeontologist is called in to inspect the finds.
- A brief training guide with images of fossils that occur in the Vryheid Formation must be compiled by a



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palaeontologist, and used for induction of mine workers and the ECO. It should also detail a fossil finds procedures that must be followed if any fossils are uncovered.

The Burial Grounds and Graves (BGG) Unit accepts the recommendations for the burial grounds identified in the HIA report and has no objections to the development on the following conditions:

- A 20 m buffer area around site VVF006 must be maintained at all times and demarcated by a soil berm to prevent any unintentional damage from mining activities. "Fencing" with a soil berm still constitutes a change in the nature of the site which will require undertaking a social consultation process to identify the family members of the site and obtaining permission from them, and a permit from SAHRA in terms of Chapter IX of the NHRA Regulations and section 36(3) of the NHRA.
- If the mine is unable to retain site VVF006 in situ then permission for relocation must be obtained from the remaining relatives. This must be done by undertaking a social consultation process to identify the family members of the site. This must be done in terms of Chapter IX of the NHRA Regulations and section 36(3) of the NHRA.

The above conditions must be included in the EMPr along with the following general conditions:

- In the unlikely event that fossils are uncovered during construction then construction must cease within the immediate vicinity, a buffer of 30 m must be established, and a palaeontologist called in to inspect the finds. The palaeontologist must obtain a section 35(4) permit in terms of NHRA and Chapter IV NHRA Regulations, before any fossils are collected.
- If there are any new heritages resources are discovered during construction and operation phases of the proposed development, then a professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the findings at the expense of the developer.
- If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required at the expense of the developer. Mitigation will only be carried out after the archaeologist or palaeontologist obtains a permit in terms of section 35 of the NHRA (Act 25 of 1999). You may contact SAHRA APM Unit for further details: (Nokukhanya Khumalo/Phillip Hine 021 202 8654).

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- If any unmarked human burials are uncovered and the archaeologist called in to inspect the finds and/or the police find them to be heritage graves, then mitigation may be necessary and the SAHRA Burial Grounds and Graves (BGG) Unit must be contacted for processes to follow (Mimi Seetelo 012 320 8490).

The Final EIAR report and its appendices must be uploaded to the case along with the Record of Decision from the competent authority.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

Nokukhanya Khumalo
Heritage Officer
South African Heritage Resources Agency

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

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/407327>