

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: 11768

Date: Thursday November 12, 2020
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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: Black Mountain Mining (PTY) LTD

1 Penge Road
Aggeneys
8893

APPLICATION FOR AMENDMENT OF THE APPROVED ENVIRONMENTAL MANAGEMENT PROGRAMME IN TERMS OF SECTION 102 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT 28 OF 2002) ON PORTION 1 OF THE FARM GAMS 60, NAMAQUALAND, NORTHERN CAPE

EndemicVision Environmental Services (Pty) Ltd have been appointed by Black Mountain Mining (Pty) Ltd to undertake an Environmental Authorisation (EA) Amendment Application for the proposed amendment to the Approved Environmental Management Programme (EMPr) for the Gamsberg East and South Prospecting, near Aggeneys, Northern Cape Province (DMR Ref: NC-00085-MR/102).

A draft Basic Assessment Report (dBAR) and EMPr have been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the EIA Regulations 2017 for activities that trigger the Mineral and Petroleum Resources Development Act, 2002 (MPRDA)(As amended). The proposed amendment to the approved EMP includes the reduction of drill sites from 80 to 28 drill sites (170m² per site) to avoid sensitive areas on Gamsberg and reduce biodiversity risk to acceptable levels. An adjustment to the access roads is also proposed.

The DBAR notes no-go heritage areas (SG1, SG4 – SG7) and that the impact remains consistent for this third layout (V03) with the initial layout (V01) assessed in 2018 and 2019 as stated on page 63 of the report. Conditions provided in the second version of the layout (V02) are to be included in V03 of the layout as shown in Appendix I page 2 and 3.

The 2019 report had not yet been submitted for comment and will be discussed below:

Rossouw, L. 2019. Phase 1 Heritage Impact Assessment for the proposed exploratory drill holes on the Gamsberg inselberg on Portion 1 of the farms Gams 60, Khai-Ma Local Municipality, NC Province.



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Weathered Stone Age artefacts were identified at the drill site localities, all of low significance. The previously discussed “Inkruip” Bushman Massacre site was discussed in this report, noting that it is located 2.5 km from the closest drill site in the basin and 1.8 km from the nearest drill site on the top of the inselberg. Recommendations include the permanent no-go buffer for the Inkruip ravine.

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 must be included in the Final BAR and EMP:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections 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 report on the investigation of the final positions of the boreholes and access roads must be conducted by a qualified archaeologist and submitted to SAHRA for review and comment prior to the construction phase. No construction activities may occur without comments from SAHRA;
 - If the prospecting shows that full scale mining is feasible, a comprehensive study inclusive of relevant stakeholder consultation must be conducted as part of the EA and Mining Right Application process to investigate the *Inkruip* Massacre site. This is a neglected portion of South Africa’s history and must be fully understood before any development may occur;
- 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/Mimi Seetelo 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;
- 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

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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 and EMPr must be submitted to SAHRA for record purposes;
- The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.

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: <http://www.sahra.org.za/node/408673>
(DMR - NC, Ref: NCS30/5/1/2/3/2/1 (518) EM)

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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.