

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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Enquiries: Natasha Higgitt
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CaseID: 12324

Date: Tuesday February 25, 2020
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Letter

In terms of Section 35, 38 of the National Heritage Resources Act (Act 25 of 1999)

Attention: Ms Tshifhiwa Ravele
Assmang Black Rock Mining Operations
P.O Box 136
Santoy
8491

Assmang Black Rock Mining Operations, Northern Cape has applied for amendment of their EMPR which was approved by the DMR:NC30/5/1/2/3/2/1/203MR

Thank you for the submission of the Compliance Audit Report of the Black Rock Mine Operations Environmental Authorisation (EA) and Environmental Management Programme (EMPr).

The following results of the EA Compliance Audit are noted:

- It is recommended that BRMO liaise with SAHRA in respect of how the Black Rock Koppie should be managed;

The following results of the EMPr Addendum Compliance Audit are noted:

- It is reported that one of the late stone age sites identified in the Gamagara riverbank was disturbed during the rehabilitation of Gamagara riverbank. Heritage expert Prof Anton van Vollenhoven has recommended that mitigation be undertaken and subsequently reported to SAHRA; and
- It is recommended that the required mitigation be undertaken as soon as practical for the disturbed LSA site on the Gamagara riverbank.

The Interim Comment issued on the 26/04/2018 has reference (<https://sahris.sahra.org.za/node/503900>).

The Interim Comment noted the following conditions:

- *Given the historical significance of the site, the original Black Rock Mine, it should not be disturbed by the development and the mining. An application may be presented to apply for declaring the site National Heritage and the boundaries of this explored during the declaration process;*



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- *No development or mining may occur within 100 m distance from the center of the Go-Mogara river. If this is absolutely necessary, then a complete Phase II must be carried out. Mitigation in the form of systematic excavation and sampling must be undertaken before trenching and any other earth-moving activity resulting from this proposed project. A photographic record must be established immediately before, during and after mitigation. The archaeologist will require a mitigation permit from SAHRA in terms of s. 35 of the National Heritage Resources Act (Act 25 of 1999). On receipt of a satisfactory mitigation (Phase 2) permit report from the archaeologist, SAHRA will make further recommendations in terms of the report such as its final destruction or additional sampling;*
- *Site 6 must be properly mapped and recorded; SAHRA requires that, in terms of s. 38(4)(b&c) of the National Heritage Resources Act, the provisions of s. 35 apply as appropriate and a collection permit be submitted;*
- *It is noted that two grave sites were identified. The SAHRA Burial Grounds and Graves Unit supports the continued protection and management of the two graveyards and notes that any proposed declaration of the mine as a heritage site at any level should include the protection, management and interpretation of the two graveyards (especially the mineworkers' cemetery);*
- *A Palaeontological Study must be undertaken to assess whether or not the development will impact upon palaeontological resources - or at least a letter of exemption from a Palaeontologist is needed to indicate that this is unnecessary.*

It must also be noted that the recommended Heritage Management Plan (HMP) is also outstanding as per the recommendations of the 2009 report.

On the 20/02/2019, SAHRA was notified that the Amended Integrated Environmental Authorisation had been granted by the Department of Mineral Resources. On the 12/03/2019 SAHRA appealed the granting of the EA on the grounds that the Interim Comment issued on the 26/04/2018 had not been addressed. SAHRA is still awaiting the official decision on this appeal.

A Palaeontological Desktop Assessment (submitted on the 09/04/2019), Heritage Management Plan (HMP), Stone Age Assessment and Grave Assessment was uploaded to the SAHRIS Case on the 23/05/2019. SAHRA did not review or comment on these documents as SAHRA is still awaiting the decision on the appeal.

In order to determine whether or not damage to the Stone Age site as noted by the Compliance Audit could have been avoided, the HMP and Stone Age Assessment Report will be discussed below. No comments will be issued on the Desktop Palaeontological Assessment as this case is still under an appeal process.

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Van Vollenhoven, A. C. 2019. A Cultural Heritage Management Plan for the Black Rock Koppie and other heritage sites at the Black Rock Koppie Mining Operations, Northern Cape Province.

The HMP notes that the historical Black Rock Mine (defined as a resource in terms of section 34 of the NHRA) is rated as a heritage site of national significance i.e. Grade 1 and the HMP serves as necessary motivation for declaration of the site. The HMP includes a recommendation for the site to be declared as a Grade 1 heritage site.

The HMP notes management protocols for all identified sites, however the protocols for the Stone Age sites will be discussed below:

- The Stone Age sites are also to be excluded (*from the Grade 1 declaration*) but should still need to be maintained. It would not be possible to fence these in, but an area of 100 m on both sides of the Gamagara River should be left untouched.

Van Vollenhoven, A. C 2019. A report on the assessment of Stone Age sites at the Black Rock Mining Operations, Northern Cape Province.

The report notes that the 15 identified Stone Age sites were re-assessed and were re-numbered and now a total of nine (9) sites are present within the development area.

Recommendations provided in the report include the following:

- Due to the danger of encroaching soil on Site no. 1 it should be mitigated. This should merely consist of the collection of stone tools from the site;
- These may be utilised in a display at the mine as well as for training purpose to sensitize employees of the importance of these . Such a display should be properly interpreted;
- None of the other sites are in danger and should therefore be left as it is. Should this situation change, mitigation would at least be needed on Site 6;
- No development should however be allowed within a zone of 100 m on both sides of the Gamagara River; and
- It may be considered to also collect stone tools on some of the other sites, perhaps as part of a training exercise.

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Interim Comment

SAHRA notes that the HMP has sufficient management protocols regarding the management and protection of the Stone Age sites within the BRMO area. However, this has still resulting in damage to a Stone Age site.

SAHRA must remind the applicant that damage to an archaeological site without a permit is an offense in terms of section 51(1)b of the National Heritage Resources Act, Act 25 of 1999 (NHRA). The schedule for penalties for section 51(1)b notes that a fine or imprisonment for a period not exceeding three years or to both such fine and imprisonment.

The following conditions must be adhered to:

- SAHRA notes the Permit Application SAHRIS Case ID 14749 (<https://sahris.sahra.org.za/cases/brmo-stone-age-site>) for Site 1;
- SAHRA requests that the damaged Stone Age site be cornered off with a 10 m buffer. SAHRA further requests a report on the damaged Stone Age site be compiled by a qualified archaeologist with photographs of the damage, noting any artefacts that are found out of context. This report must be submitted to SAHRA for further comment before any further work may commence within the area.

If any further damage occurs to any heritage resources under the control of BRMO, SAHRA will follow the legal proceedings as detailed in section 51 of the NHRA.

With regards to the nomination of the Black Rock Mine as a Grade 1 Heritage Site, the applicant is recommended to follow the nomination procedure that can be found at the following link:

<https://sahris.sahra.org.za/sites/default/files/website/articledocs/Site%20and%20Object%20nomination%20process.pdf>. Any queries regarding nomination for declaration can be forwarded to Heidi Weldon (HWeldon@sahra.org.za).

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

Yours faithfully

Assmang Black Rock Mining Operations, Northern Cape: Notification of Updated EMPR

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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/488845>
(DMR - NC, Ref: NC30/5/1/2/3/2/1/203MR)