

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
Tel: 021 462 4502
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CaseID: 15544

Date: Friday October 16, 2020
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Interim Comment

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

Attention: Lower Orange River Diamonds (Pty) Ltd

Block B, 1st floor, De Wagenweg Office Park,
Stellentia Street,
Stellenbosch,
7600

Lower Orange River Diamonds (LOR-D) having been ceded the Mining Right by Trans Hex Group (THG) is now the Holder of the Right to now conduct mining. Consequently, LOR-D now wants to Amendment/Update the existing Lower Orange River Mine EMP to be inline with company planning and mining structure. This mine is located in Namaqualand RD on Farm Richterveld No. 11 Rem. and Ptn of Farm 18 described by the Mineral Lease Area.

Site Plan Consulting has been appointed by Lower Orange River Diamonds (Pty) Ltd to conduct an Environmental Authorisation Application for the proposed Section 102 Amendment of the existing Environmental Management Plans (EMPs) for several mining areas along the Orange River, near Sendelingsdrift, Northern Cape Province (NCS-30/5/1/3/3/1(531) MR).

A draft Scoping Report (DSR) has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the 2014 EIA Regulations for activities that trigger the Mineral and Petroleum Resources Development Act, 2002 (MPRDA)(As amended). The proposed amendments include develop a new EMP encompassing all the known base-line informants, spatial determinants of the Mining Right area and the changes required in management thereof within the new LOR-D framework. As it stands, no new activities are being applied for.

Several excavations were conducted near Jakkalsberg prior to the 1999 report i.e. Miller & Webley 1994, Brink & Webley 1996, Webley 1997. The assessment of heritage resources was original conducted in 1997, with a report being submitted in 1999 to the then National Monuments Council under the National Monuments Act of 1969. It is currently unclear what comments were provided by the NMC on the application, though it is noted that the 2001 Excavation report noted that Dr. Janette Deacon recommended that some sites be excavated before they become too degraded. This was carried out and the results thereof are contained within a report dated 2001. The 1999 report is discussed briefly below:



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Halkett, D. 1999. A Phase One Archeological Assessment of Heritage Resources in the Trans Hex Diamond Concession, Richtersveld.

A total of 69 sites were identified within the development area. These included Stone Age artefact scatters including one shelter, graves (with both headstones or stone covered), ruins (part of the old Sendelingsdrift mission station) and engravings.

The report noted that the now National Heritage Resources Act, Act 25 of 1999 (NHRA), was still a Bill and had not been gazetted, and therefore did not yet apply to the current application.

Several recommendations were provided in the report under section 9.1. Some recommendations provided include the following:

- The old herder and San camps should be demarcated so that they are easily visible;
- If sites are determined to be in the path of mining, they can be removed by archaeologists with the necessary permissions from the relevant heritage authorities;
- Graves should not be disturbed by mining or related activities. In cases where they may be in the way, they can be removed by archaeologists with the necessary permissions from the relevant heritage authorities;
- Graves should be identified and demarcated in areas where mining or related activities are likely to occur. Some graves have already been fenced by the mine;
- All dolomite outcrops should be considered sensitive and should be checked before mining or related activities that are likely to cause impact take place. If engravings are found that will be in the path of mining, permission may be granted by the relevant heritage authorities to move them. A facility to house them may have to be set up for the purpose of housing them. The relevant heritage authorities should be consulted in this regard. Where possible though the preferred method of dealing with sites would be to leave them in situ and demarcating them so that they can be avoided;
- All workers must be made aware of the heritage value of the engraving sites and urged not to damage the sites in any way;
- The mine has expressed an interest in making some engraving sites at Bloeddrift accessible to the public. In allowing public access to sites, a number of points must be considered (these are summarized in the report);
- The possible remains of the Sendelingsdrift Mission Stations site should be demarcated and not be disturbed by mining or mining related activities.

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Halkett, D. 2001. A Report on Archaeological Excavations on the Orange River Floodplain between Jakkalsberg and Sendelingsdrift: Richtersveld.

The report provides results of excavations on identified archaeological sites near Jakkalsberg. Findings from the excavations include small beads and formal tools that may be of the Wilton Industry. Further mitigation work was noted to be conducted in future at other sites.

The DSR notes that several sites have been damaged by mining activities and vandalism between 2001 and 2020 (page 117 of the DSR).

Interim Comment

The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit must note that SAHRA is only mandated to comment in terms of the National Heritage Resources Act, Act 25 of 1999 (NHRA). The original application and submitted AIA were conducted prior to the promulgation of the NHRA, and therefore is not compliant with the current legislation.

As the EMP for the existing MR is being updated to address a management change, it will also need to take into account new legislation published since the original authorisation was granted. In order to meet the requirements of the NHRA, the SAHRA APM Unit requests the following:

- An updated Heritage Impact Assessment (HIA) that complies with section 38(3) of the NHRA and SAHRA 2007 Minimum Standards: Archaeological and Palaeontological Components of Impact Assessment Reports. The previously identified sites are to be verified, and reassessed with regards to their significance and all possible impacts that may occur/have occurred, in order to recommend mitigation measures. Additionally, new sites may have been uncovered since 1999 due to erosion. Other heritage sites such as sites of cultural significance associated with oral histories, and cultural landscapes or viewsapes must also be assessed;
- The HIA must include a desktop assessment of the impact to palaeontological resources as the development footprint is located within areas of moderate and unknown sensitivity for palaeontological resources. This report must be conducted by a qualified palaeontologist and the report must comply with the 2012 Minimum Standards: Palaeontological Components of Heritage Impact Assessment;
- A report detailing the damage to sites noted in the DSR must be submitted, with maps of the sites in relation to the mining activities and photographs of the damage. This report must be compiled by an archaeologist and include mitigation measures to repair/mitigate the damage and further damage;

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- Additionally, the responsible party must provide clarity whether the recommendations provided in section 9.1 of the 1999 AIA report were implemented, and if not, motivation as to why this did not occur.

The above requested reports must be compiled and included as part of the draft EIA phase of the EA application. The draft EIA and all appendices must be submitted to the SAHRIS application so that an informed comment may be issued.

Further comments will be issued upon receipt of the above requested documents.

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/540752>
(DMR - NC, Ref: NCS-30/5/1/3/3/1(531) MR)

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