

Rehabilitation of the historically mined Pit on Portion 15 of the farm Jagersfontein 14IS in the Fauresmith District of the Free State though backfilling with coarse and fine tailings from the Jagersfontein Tailings Operation



an agency of the
Department of Arts and Culture

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CaseID: 19315

Date: Thursday September 15, 2022
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Final Decision

In terms of Section 38(4) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Jagersfontein Developments (Pty) Ltd

1 President Street
Jagersfontein
9974

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Jagersfontein Developments (Pty) Ltd submitted an application in terms of section 38(1) of the National Heritage Resources Act, Act 25 of 1999 (NHRA) for the of proposed backfilling of the historical Jagersfontein open pit situated in Portion 15 of the Farm Jagersfontein in the Free State Province.

An application for a water use licence from the Department of Water and Sanitation has been made in terms of section 40 of the National Water Act, 1998 (Act No. 36 of 1998) for the undertaking of a water use in terms of Section 21(g) of the NWA. The pit will be backfilled with fine tailings suspended in water and coarse tailings from its tailings processing operations. The pit has a surface area of 19.635ha and it has been mined for over 40 years since 1870. It is the largest hand-excavated hole in the world, and it is a heritage resource protected under the National Heritage Resources Act (NHRA, Act 25 of 1999).

A range of supporting documentation inclusive of a Conservation Management Plan, archaeological and palaeontological assessments; a report of the public consultation process undertaken, and other supporting documents related to the pit stability and the previous permit applications submitted have been submitted to SAHRA. It is noted in the 2021 Backfilling report that the backfilling of the pit will not result in the pollution of the groundwater Aquifer or the soils surrounding the pit. The Review of the Stability of the Pit report states that there is a risk of ongoing pit rim break back, ongoing vibrations related to blocks falling in the open pit, and loss of access to the pit. Two options were assessed to address these risks, including the backfilling of the pit with the slimes and tailings from the current mining endeavors.

Public comments include letters of support for the backfilling from the Geological Society of South Africa, the Free State Department of Economic, Small Business Development, Tourism and Environmental Affairs, and a



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letter of objection from the Jagersfontein Community Trust.

SAHRA issued an interim comment dated 01/09/2022 which acknowledged the submitted documents and requested sufficient time to assess the application and all supporting documents before providing a decision in terms of section 38 (4) of the NHRA.

Turn 180 Environmental Consultants (Pty) Ltd was appointed to compile the Heritage Conservation Management Plan ("HCMP") for the Jagersfontein Tailings reprocessing operations in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

De Villiers, L. 2022. Heritage Conservation Management Plan for the Jagersfontein Tailings reprocessing operations

A number of heritage resources were discovered in heritage studies that have been undertaken for Jagersfontein, these include the historical pit (Local/ Provincial Significance), historic mine structures and mine dump, a historic structure and a midden along with a historic depositing floor and a Stone Age site. All these resources range from high to low heritage significance. The proposed development area is underlain by the Tierberg Formation which might contain fish scales and sponge spicules.

All identified heritage resources will be demarcated and no vegetation will be disturbed during the pit rehabilitation. Daily inspections will be undertaken, and monthly compliance monitoring reports will be compiled. All damages to identified heritage resources will be reported immediately. Annual Heritage Conservation Compliance Monitoring will be conducted and reports will be compiled.

T. Kolbe. 2022. Socio-economic Impact Assessment: Backfilling of the Jagersfontein Pit

The potential loss of the Pit's heritage value is significant, and possibly through promoting its tourism value, this impact can be minimised and managed. The project will affect the visual appearance and the heritage value of the Pit, it might not necessarily destroy the tourism potential of the Pit. A Heritage Management Plan must be developed to create and enhance the tourism potential of the Pit and the Town of Jagersfontein.

Since the issuing of the Interim Comment, the Slimes Dam situated adjacent to the Jagersfontein burst on the 11th of September 2022, resulting in the eastern side of Jagersfontein being impacted by the flood of tailings (<https://www.news24.com/news24/southafrica/news/jagersfontein-tragedy-70-...>).

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A letter has now been submitted by Jagersfontein Developments (Pty) Ltd notifying with the attached directive from the Department of Water and Sanitation (DWS) Free State Provincial Operations dated 10/09/2022 which authorises the immediate pumping of slime in compartment two of the Fine Tailing Storage Facility into the historical pit at Jagersfontein without compromising the structure of the pit.

Final Decision

As the town of Jagersfontein is in a state of disaster because of the collapsed tailings dam, and the letter from Department of Water and Sanitation (DWS) Free State Provincial Operations, no further assessment of the impact to heritage resources are required as per section 38(2)a of the NHRA.

The following comments are made as a requirement in terms of section 38(2) and 38(4) of the NHRA and must be adhered to:

- 38(4)a – The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the rehabilitation of the pit;
- 38(4)b – The management plan and mitigation measures contained in the HCMP are accepted by SAHRA. Additional conditions include the following:
 - All monitoring reports must be submitted to SAHRA for review and comment;
 - A report must be submitted to SAHRA after the rehabilitation has been completed, by the heritage specialist who will be consulted as noted in the HCMP;
 - The annual review of the CHMP must include consultation with SAHRA. The updated CHMP must be submitted to SAHRA for review and approval;
 - The historical pit must be recorded and its rim must be maintained for posterity;
 - SAHRA requires that the museum of the mine pit be upgraded and made available to visitors so that the historical significance of Jagersfontein will still be highlighted;
 - Jagersfontein Developments must produce pamphlets regarding the significance of the pit;
- 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 rehabilitation, SAHRA APM Unit (Sityhilelo Ngcatsha/Phillip Hine 021 462 5402) must be alerted as per section 35(3) of the NHRA. Non-compliance with is an offense in terms of section 51(1)e of the NHRA and item 5 of the Schedule;

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- 38(4)c(ii) – If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Ngqalabutho Madida 012 320 8490), must be alerted immediately as per section 36(6) of the NHRA. Non-compliance 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 regarding offenses;
- 38(4)e – The following conditions apply with regards to the appointment of specialists:
- If heritage resources are uncovered during the course of the development, a professional 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.

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

Yours faithfully

Sityhilelo Ngcatsha
Archaeology, Palaeontology, Meteorite Assistant
South African Heritage Resources Agency

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

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ADMIN:

Direct URL to case: <https://sahris.sahra.org.za/node/603332>
(DWS, Ref: WU22362)

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.