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DATE: 09 December 2008  
ENQUIRIES: Dr. Antonieta Jerardino  
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YOUR REF: NC/KGA/BEST1/12/2008  
OUR REF: 9/2/055/0002

Mr. Rowan van Tonder  
Rock Environmental Consulting (Pty) Ltd  
PO Box 40541  
Moreleta Park  
0044

Dear Mr. van Tonder,

**REQUEST FOR A HERITAGE IMPACT ASSESSMENT BY AN ACCREDITED PROFESSIONAL ARCHAEOLOGIST: PROPOSED TOWNSHIP ESTABLISHMENT ON REMAINDER AND PORTION 3 OF THE FARM BESTWOOD 459, GA-MAGARA LOCAL MUNICIPALITY, KGALAGADI DISTRICT MUNICIPALITY, MAGISTERIAL DISTRICT OF KURUMAN, NORTHERN CAPE PROVINCE**

I acknowledge receipt of your electronic letter dated 09 December 2008 in connection with the above matter and received as an attachment via email this morning.

Your time and effort in finding clarity on this issue is very much appreciated. The following points address your concerns and re-capitulates the sequence of events as experienced by SAHRA Archaeology, Palaeontology & Meteorites (APM) Unit.

- 1) I have been able to determine that a copy of a Draft Impact Assessment report on the above development proposal was received from your offices on 07 July 2008. A preliminary assessment on heritage sensitivities was done by Dr. de Jong, but no archaeological impact assessment was included. Given the very short time frame allowed for a response (2 weeks), an email was sent to you on 22 July 2008 requesting an Archaeological Impact Assessment and a Palaeontological Assessment (see attached). Electronic lists of professional archaeologists and paleontologists were attached to this email.

- 2) An Engineering services investigation report for a proposed township establishment on a Portion of the Remainder of the farm Bestwood 459, District of Kuruman, was also received (and separately from the draft Impact Assessment) on 07 July 2008. No archaeological impact assessment accompanied this documentation. A further letter of response dated 02 October 2008 addressed to Kathu Property Developers (Pty) Ltd stated that the area identified for development is potentially sensitive in terms of archaeological and palaeontological heritage for reasons contained therein.
- 3) Our letter dated 02 October 2008 addressed to Kathu Property Developers (Pty) Ltd and attached list of accredited professional specialists was returned to our offices undelivered. For this reason, we forwarded this letter, list of accredited professionals and cover letter to V & V Consulting Engineers on 29 October 2008.
- 4) SAHRA's APM Unit was informed of the availability of an ROD from the Dept. of Tourism, Environment & Conservation on 13 November 2008. A copy of it was requested and received by fax the following day. According to the fax copy received by this office, the ROD approving the above development was signed on 13 November 2008.
- 5) Another letter addressed to Mr. Pieter van der Merwe of Rock Environmental followed on 19 November 2008 acknowledging receipt of ROD copy and requesting once again the undertaking of a Heritage Impact Assessment. This report had to include a Phase 1 Archaeological Impact Assessment (AIA) and a desktop Palaeontological Impact Assessment undertaken by suitably accredited specialists. Copies of accredited professionals were attached to this letter.
- 6) A Heritage Impact Assessment compiled by Dr. R. de Jong was received soon afterwards on 21 November 2008. Dr. de Jong's cover letter and report dated 13 November 2008, the same date of issue for the ROD from the Northern Cape DTE&C. A Phase 1 AIA by Mr. C. Dreyer was included in this HIA report, but no palaeontological desktop study.
- 7) Mr. Dreyer is only accredited for Iron Age and Colonial period Archaeology and much of the cultural sequence in the Northern Cape is dominated by Stone Age archaeology. Given the recurrence of previous cases where Mr. Dreyer had undertaken impact assessments outside his field of expertise our office informed Mr. Dreyer that any further reports based on work undertaken in the Northern Cape will be returned to him with the request to involve a Principal Investigator in the assessment. This is precisely what it was conveyed to him with an email dated 24 November 2008 and copied to Dr. de Jong. Since then, our offices did not receive any comments from either Mr. Dreyer or Dr. de Jong.
- 8) Your telephonic call followed on Monday 08 December informing us that you had been forwarded our letter dated 29 October 2008 and addressed to V&V Engineers by the addressee. In our conversation, with the exception of point 1), all other points and events mentioned above were raised by the undersigned.

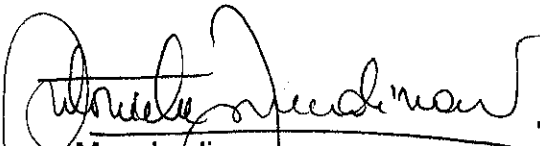
Your electronic letter dated 09 December states that the HIA was verified by an accredited archaeologist (Mr. J.J.B. Dreyer) recommended by Dr. de Jong, that no archaeological evidence of any kind was found during your site visit and during those undertaken by the consulting engineers, and that the HIA

information had been sent to the Northern Cape DTE&C and approved by such a provincial department. To these statements our answers are the following:

- a) Please refer to point 6) above in terms of the level of accreditation of Mr. Dreyer.
- b) Dr. de Jong is not an archaeologist and can only recommend but not accredit an archaeologist to undertake expert work, whether to verify findings or undertake Phase 1 AIA studies.
- c) Archaeological occurrences are often only visible to the trained eyes of archaeologists and not to environmental consultants or engineers.
- d) If the HIA report by Dr. de Jong was sent to the Northern Cape DTE&C, it could only have been done so immediately after issuing of ROD (both have the same issuing dates); and if such report was approved by the Northern Cape DTE&C, it would have been done so without SAHRA's needed comments and recommendations. The latter is contrary to the current legal framework in place.

Henceforth, the request for a Phase 1 AIA by an accredited Stone Age archaeologist in connection with the above development proposal is re-iterated. Please note that point 5 of Scope of authorization of the above mentioned ROD (page 3 of 11) states that the authorization by the Northern Cape DTE&C "... *does not negate the holder of the authorization's responsibility to comply with any other statutory requirement that may be applicable to the undertaking of the activity.*" In this case, the statutory requirement is compliance with section 38 of the National Heritage Resources Act (Act 25 of 1999) which is yet to be fulfilled adequately.

Yours sincerely



pp. Mary Leslie  
SAHRA: Archaeology, Palaeontology and Meteorite Unit  
For Acting Chief Executive Officer

Copy: SAHRA Northern Cape Office  
PHRA Northern Cape Office

**From:** ANTONIETA JERARDINO  
**To:** rock.rowan@lantic.net  
**Date:** 7/22/2008 10:31 AM  
**Subject:** EIA process: Bestwood Project, Kathu (Ref Nr.: NC/KGA/BEST1/12/2008 - SAHRA's APM Unit comment)  
**Attachments:** 1ASAPA Archae Accreditation (SAHRA Feb08).xls; 2PSSA CRM Palaeontologist SA HRA 08July08.rtf

Dear Mr. van Tonder,

I acknowledge receipt of the EIA document with Appendices in connection with the above case. This office received this documentation on 07 July 2008.

In your cover letter dated 03 July 2008, you stated that you needed our comments within two weeks because the project was running behind schedule. I have only now been able to attend to this matter (2 weeks after receiving the document), as I have also been sick with flu for 5 days last week.

I have read through Appendix 8 consisting of the preliminary assessment done by Cultmatrix Cc. In this report, the probability of encountering archaeological and palaeontological remains was identified as high. Various recommendations were made, however, SAHRA Archaeology, Palaeontology & Meteorites (APM) Unit cannot comment at this stage without a report reflecting on a foot survey done by an accredited specialist in Stone Age Archaeology (see attached list of accredited professional Archaeologists).

Where bedrock is to be affected, or where there are river terraces and in potentially fossiliferous superficial deposits, a Palaeontological Desk Top study must be undertaken to assess whether or not the development will impact upon palaeontological resources - or at least a letter from a Palaeontologist motivating for an exemption is needed to indicate that this is unnecessary (see attached list of accredited professional Palaeontologists).

Please let me know if you need this information on a formal and hand-signed letter.  
Best wishes,

Antonietta Jerardino

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Archaeology, Palaeontology & Meteorites Unit  
South African Heritage Resources Agency  
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