

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
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Natasha Higgitt
Tel: 021 462 4502
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CaseID: 10595

Date: Tuesday January 31, 2017
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Response to NID (Notification of Intent to Develop)

In terms of Section 38(2) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Mnr Jan Jacobus de Clerq van Zyl

P.O. Box 366
Kaimoes
8860

Mining operation for Sillimanite on a Certain piece of land on the Remainder and Portion 1 of the Farm Wortel 42, Namaqualand District, Northern Cape Province.

Thank you for notifying SAHRA of the proposed Mining Permit Application on a certain piece of land of Portion 1 and the Remainder of the Farm Wortel 42, District of Namaqualand RD, Northern Cape Province.

In terms of the National Heritage Resources Act, no 25 of 1999 (NHRA), heritage resources, including archaeological or palaeontological sites over 100 years old, graves older than 60 years, structures older than 60 years are protected. They may not be disturbed without a permit from the relevant heritage resources authority. This means that before such sites are disturbed by development it is incumbent on the developer to ensure that a **Heritage Impact Assessment** (HIA) is done as per Section 38(8) of the NHRA. This must include the archaeological component (Phase 1) any other applicable heritage components. The HIA must be conducted as part of the Basic Assessment Report for the Environmental Authorisation Application in terms of the National Environmental Management Act, No 107 of 1998 (NEMA) and the NEMA EIA Regulations 2014 for activities that trigger the Mineral and Petroleum Resources Development Act, No 28 of 2002 (MPRDA)(As amended).

The quickest process to follow for the archaeological component would be to contract a specialist (see www.asapa.org.za) to provide a Phase 1 Archaeological Impact Assessment Report. The Phase 1 Impact Assessment Report will identify the archaeological sites and assess their significance. It should also make recommendations (as indicated in section 38 of the NHRA) about the process to be followed. For example, there may need to be a mitigation phase (Phase 2) where the specialist will collect or excavate material and date the site. At the end of the process the heritage authority may give permission for destruction of the sites. If the property is very small or disturbed and there is no significant site the specialist may choose to send a letter to the heritage authority to indicate that there is no necessity for any further assessment.

Where bedrock is to be affected, or where there are coastal sediments, or marine or river terraces and in

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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 of exemption from a Palaeontologist is needed to indicate that this is unnecessary. If the area is deemed sensitive, a full Phase 1 Palaeontological Impact Assessment will be required and if necessary a Phase 2 rescue operation might be necessary (see <http://www.palaeontologicalsociety.co.za/> for qualified paleontologists).

Any other heritage resources that may be impacted such as built structures over 60 years old, sites of cultural significance associated with oral histories, burial grounds and graves, graves of victims of conflict, and cultural landscapes or viewsapes must also be assessed.

Please note that all Environmental Reports (BAR) with all appendices must be submitted to the SAHRIS Case file in order for an informed comment to be issued.

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

John Gribble
Manager: Maritime and Underwater Cultural Heritage Unit / Acting Manager: Archaeology, Palaeontology and Meteorites Unit
South African Heritage Resources Agency

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ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/385203>
(DMR - NC, Ref: NC 30/5/1/3/2/10573 MP)