

Letter

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

Attention: African Exploration Mining and Finance Corporation (SOC) Ltd

AEMFC was awarded a Mining Right in August 2010 to mine for coal on the remaining extent of Portions 3 and 10, Portions 20, 21 and 24 of the Farm Vlakfontein 569 JR in the Emalahleni Magisterial District. Vlakfontein Mine is currently mining coal by means of open cast mining methods on the block known as the Central Block. The Phase 1 (Central Block) operation was approved in terms of the existing EMPr authorisation number MP30/5/1/2/3/2/1(436) MR. The proposed expansion of the coal mining activity is known as the East Block covers a total area of approximately 23 hectares.

Thank you for submitting the Draft Scoping Report for the proposed East Block of the currently active Vlakfontein Opencast Coal Mine to cover approximately 23ha. The Phase 1 (Central Block) of the existing Vlakfontein Mine operation was approved in terms of the existing EMPr authorisation number MP30/5/1/2/3/2/1(436) MR. The EMPr for the Phase 1 authorisation was compiled by SRK Consulting in 2009/2010. The proposed East Block expansion area was excluded from this assessment and is now being addressed in this S&EIA and EMPr Amendment Process.

It is noted that the requirements of Section 38(8) have not been met for the project under authorisation number MP30/5/1/2/3/2/1(436) MR as insufficient information has been submitted as communicated in a letter dated 23 April 2013 (SAHRIS Case 2043).

In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999), any proposed development that requires an application in terms of NEMA or the MPRDA must have an assessment of impacts to heritage resources completed as part of the application process. The relevant heritage authority must determine whether the assessment done in terms of impacts to heritage resources satisfies our requirements and must provide comments or recommendations to the decision-making authority.

It is noted that area proposed for development is underlain by geological formations of high significance. It is therefore likely that significant palaeontology may be impacted by the proposed development.

As such, SAHRA requires that a heritage impact assessment be completed that assesses the impact of the proposed mining on all heritage resources including, but not limited to, archaeological heritage, palaeontological heritage, rock art, any significant structures and intangible heritage. This assessment must not only assess impacts in terms of the development footprint, but must also assess broader, indirect impacts to heritage that may result from the proposed development.

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 to be impacted 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.

A Palaeontological Field assessment study must be undertaken to assess whether or not the development will impact upon significant palaeontological resources. If necessary a Phase 2 rescue operation might be required (see www.palaeontologicalsociety.co.za).

Any other heritage resources that may be impacted such as built structures, 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.

This assessment must satisfy SAHRA's minimum requirements for impact assessments and must comply with the requirements in Section 38(3) of the NHRA and as such, this assessment must provide recommendations regarding the mitigation of any identified direct and indirect impacts to heritage resources.

SAHRA looks forward to receiving this assessment before commenting further on this proposed development.

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

Yours faithfully



Jenna Lavin
Heritage Officer
South African Heritage Resources Agency



Colette Scheermeyer
SAHRA Head Archaeologist
South African Heritage Resources Agency

Vlakkfontein Mine Expansion - East Block

Our Ref: 9/2/284/0009

Enquiries: Jenna Lavin
Edit view Tel: 021 462 4502
Edit view Email: jlavin@sahra.org.za
CaseID: 4204

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an agency of the
Department of Arts and Culture

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/145643>
Edit view (DEA, Ref: 14/12/16/3/3/2/602)



The South African Heritage Resources Agency

Street Address: 111 Harrington Street, Cape Town 8000 * Postal Address: PO Box 4637, Cape Town 8000
* Tel: +27 21 462 4502 * Fax: +27 21 462 4509 * Web: <http://www.sahra.org.za>