

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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CaseID: 9872

Date: Tuesday April 04, 2017
Page No: 1

Interim Comment

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

Attention: HC VAN WYK DIAMONDS (PTY) LTD

Prospecting (Bulk sampling) of diamonds on the Remaining Extent of the Farm 503, Magisterial District of Hay, Northern Cape Province.

Boscia Ecological Consulting was appointed by HC van Wyk Diamonds Limited to prepare an Environmental Authorisation Application for a Prospecting Right Application for proposed prospecting activities on the Farm 503 (Werda), near Lime Acres, Northern Cape Province. An Environmental Impact Assessment (EIA) has been submitted in terms of the National Environmental Management Act, 1998 (NEMA) and the Environmental Impact Assessment (EIA) Regulations 2014 for activities that trigger the Mineral and Petroleum Resources Development Act, 2002 (MPRDA)(As amended). The proposed prospecting activities will include 300 boreholes, opencast pitting (150 pits of 2 m x 3 m) and trenching (20 trenches of 100 m x 50 m). The location of the trenches will be verified after pre-feasibility studies are completed. Supporting infrastructure will include the diamond rotary plant, haul roads, access roads, water reservoir, dangerous goods storage, temporary stockpiles, slimes dams, water pipelines, slurry pipelines, return water pipelines, return water dam, an office complex, workshop facilities, concrete bund walls and ablution facilities. Archaeological and Heritage Services Africa (Pty) Ltd was contracted to conduct the Heritage Impact Assessment (HIA) for the proposed project.

An Interim Comment was issued by SAHRA on the 27/03/2017 requesting the following:

- An explanation of the lack of acknowledgement by J. Chikumirike;
- Submission of a new - not revised- Palaeontological Report by J. Chikumirike;
- A revised version of the previous Palaeontological Report, revised by N. Vilakazi as stated in a previous comment from 1 March 2017; or
- A revised version of the previous Palaeontological Report signed by both authors including an explanation of the contribution of each author.

A letter was submitted explaining the situation with the consultants and a revised PIA was submitted noting that the latest PIA has been adapted from the previously submitted PIA.

Interim Comment

The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit does not accept the revised PIA as the above request has not been adhered to. The main source of information used (PIA by Vilikazi, 2017) was not confirmed to be independent work as no declaration of independence was provided by the author of this



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original PIA as a requirement of section 13(1)a and Appendix 6 of the NEMA EIA 2014 Regulations. Additionally, the current PIA notes that the report is adapted from the Vilakazi report. We find the contention that the revised report is adapted to be untrue as it has been copied word by word.

An entirely new report must be completed which must include a declaration of independence by the author before SAHRA APM Unit can close the case.

For the sake of timeframes, SAHRA APM Unit accepts the submitted HIA and the recommendations provided therein. The recommendations of the HIA and the following conditions must be included in the Environmental Management Programme (EMPr) for the project:

- A no-go buffer of 30 m must be maintained around the identified burial ground. A Heritage Management Plan (HMP) must be developed to ensure the burial ground is managed and monitored throughout the life of the development;
- If it will not be possible to avoid the burial ground, a consultation process must be undertaken in terms of section 36 of the National Heritage Resources Act, Act 25 of 1999 (NHRA) and Chapter XI of the 2000 NHRA Regulations, Regulations 548. If relocating the graves is found to be feasible following the consultation, a permit application must be submitted to SAHRA in terms of section 36 of the NHRA and Chapter IX of the NHRA Regulations. Relocation of graves may only occur if SAHRA issues a permit for this purpose;
- Sites 7 must be avoided with a no-go buffer of 10 m. A HMP must be developed for the management and monitoring of the sites throughout the life of the development;
- Should it not be possible to retain site 7, an application for a permit in terms of section 34 of the NHRA and Chapter IV of the NHRA Regulations must be submitted to the North West Provincial Heritage Resources Authority (NWPHRA) for mitigation purposes. Mitigation of the mining complex may only occur if NWPHRA issues a permit for this purpose;
- The Pioneer Mining Complex and site 8 must be avoided with a no-go buffer of 10 m. A HMP must be developed for the management and monitoring of the heritage site complex throughout the life of the development;
- Should it not be possible to retain the Pioneer Mining Complex and site 8, an application for a permit in terms of section 35 of the NHRA and Chapter IV of the NHRA Regulations must be submitted to SAHRA for mitigation purposes. Mitigation of the sites may only occur if SAHRA issues a permit for this purpose;
- 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 proposed

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Page No: 3

CaseID: 9872

development, SAHRA APM Unit (Natasha Higgitt/John Gribble 021 462 5402) must be alerted. If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Mimi Seetelo 012 320 8490), must be alerted immediately. A professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the findings. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required; and

- If the development receives an Environmental Authorisation (EA), SAHRA must be informed and all documents pertaining to the EA must be uploaded to the SAHRIS Case file.

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

ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/367354>
(DMR - NC, Ref: NC 30/5/1/1/2/11779 PR)

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Page No: 4

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.