



SOUTH AFRICAN HERITAGE RESOURCES AGENCY

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DATE: 23/05/2013

ENQUIRIES: Shawn Berry

OUR REF: Permit ID: 87

Dear Mr Valentine

Thank you for the documents which I will submit to our legal advisers for guidance. I will also be presenting it to the permit committee next week for their advice. As we discussed yesterday, there are some issues that need to be clarified before we can consider issuing a renewal which I will raise with the permit committee during their next sitting.

These are:

1. Since this is an archaeological permit and not a salvage permit, the question arises why no work has been performed on the wreck site for approximately eight years which raises the question of why the permit should be renewed if nothing has been done during this time. As you mentioned yesterday during our meeting, the only Maritime Archaeologists you had on the project was Jonathan Sharfman, who was removed in 2005 and Nic Mavrodinov who participated for one season only. We can therefore assume that nothing has been done in the intervening years.
2. Furthermore, you mention in your email that 'The excavation is about 80% complete and we would only require a few more seasons with the sand off the site to finish the project.' This raises the question of how the excavation was proceeding without the presence of a Maritime Archaeologist as per your permit conditions.
3. I am also not sure whether this is still the same permit because our records indicate that the original permit (**#80/00/11/011/30**) was issued to Mr. Sharfman, however, as you mentioned, the permit holders have subsequently changed and currently you are the holder of permit **# 87**. I will be seeking legal advice on this in order to gain some clarity as this indicates that a new permit had been issued in the past.

Please note that as per SAHRA guidelines the permit holder has to submit a report within **6 months**, which conforms to the standards set out in the guidelines.

- As per the conditions of the permit, SAHRA requires the position of datum points and artifacts that have been removed. This should be clearly marked on an accurate site plan. This should be included in the annual report as per the permit conditions.

- As per the conditions of the permit, SAHRA requires a copy of the accession register which has to be submitted with the annual report.
- As per the conditions of the permit, SAHRA requires a copy of the log book that was kept for the days you were at the site. This should also be included with the annual report.
- SAHRA requires a signed letter from the East London Museum as the collaborating institution whereby they confirm their continued support of the project for the past year. This should be included in the annual report.
- You mentioned yesterday that Mr Sharfman has agreed to be the archaeologist for this project. Please note that SAHRA requires written confirmation from Mr Sharfman which should be forwarded to SAHRA before any work is conducted in June/July 2013. This should also be included in the annual report.

Please refer to condition **#8** of permit (**#87**) stating that 'SAHRA shall not be liable for any losses, damages or injuries to persons or properties as a result of any activities in connection with this permit.'

Please note that condition **#9** of permit (**#87**) which stipulates that 'the permit holder and other parties to the agreement comply with and are bound by all terms and conditions of the agreement. Accordingly, any breach or non-compliance with any terms and/or conditions of the permit holder and such parties shall be a breach of the conditions of this permit.'

Based on this and other issues mentioned in this correspondence, SAHRA cannot renew the permit at this time until a final report has been received and the issues raised in this email has been clarified by the legal adviser and the SAHRA permit committee as well as yourself. As you mentioned yesterday, your team shall be working on the wreck in June/July 2013, therefore we await the submission of the report. Only then, and once the issues raised here have been addressed may SAHRA consider the renewal of the permit.

Please note that condition **#11** of your permit stipulates that 'SAHRA in its sole discretion reserves the right to vary and/or cancel this permit upon notice to the permit holder.

In order to maintain transparency a copy of this email and all further correspondence will be placed on SAHRIS under the Grosvenor case.

Regards



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