



**SOUTH AFRICAN HERITAGE
RESOURCES AGENCY**

111 HARRINGTON STREET, CAPE TOWN, 8000
PO BOX 4637, CAPE TOWN, 8000
TEL: (021) 462 4502 FAX: (021) 462 4509

DATE: 01 June 2010
ENQUIRIES: Ms Mariagrazia Galimberti
Archaeology, Palaeontology and Meteorite Unit
E-mail: mgalimberti@sahra.org.za
Web site: www.sahra.org.za

DME REF: NC 30/5/1/3/3/2/1/1599 EM
OUR REF: 9/2/008/0001

Mfaniseni Mdlulane
318 Bloem St
Galeshewe
Kimberley
8301

Dear Mr Mdlulane,

**REQUEST FOR A HERITAGE IMPACT ASSESSMENT: CONSULTATION IN
TERMS OF S. 40 OF THE MPRDA (ACT 28 OF 2002) FOR THE APPROVAL OF
AN AMENDMENT TO AN APPROVED EMP FOR MINING PERMIT OF
MELLVILLE PARK, BARKLY WEST, SITUATED IN THE MAGISTERIAL
DISTRICT OF BARKLY WEST, NORTHERN CAPE REGION**

We have received notification of your application for the approval of an amended environmental management plan in respect of mining permit for diamonds.

According to our records, SAHRA has already requested a Heritage Impact Assessment for this project on the 26th May 2009 (Dr Jeradino's correspondence), but so far, SAHRA does not seem to have received any reports in this regard. Therefore, it is fundamental to remember that, even if mining rights were granted by DME, no surface can be disturbed prior to the approved of a Heritage Impact Assessment by SAHRA.

For your record, please find below legislation and policy required for a Heritage Impact Assessment.

In terms of the National Heritage Resources Act (NHRA), no 25 of 1999, 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 and/or mine to ensure that a Heritage Impact Assessment is done. This must include the archaeological component (Phase 1) and any other applicable heritage components. Appropriate (Phase 2) mitigation, which involves recording, sampling and dating sites that are to be destroyed, must be done as required.

Although it is stated in section C5 of the EMP form that no graveyards or sites of historical significance are located within a kilometer of the affected environment, no indication of a professional assessment is given. Also, other categories of possible heritage resources, such as archaeological and palaeontological sites need to be assessed by a specialist. Please also note that clearing of vegetation and building for access roads may also destroy or damage archaeological and/or palaeontological sites. Consequently, the quickest process to follow for the archaeological component would be to contract a specialist to provide a Phase 1 Archaeological Impact Assessment Report. **This must be done before any prospecting drilling, trenching or mining takes place.**

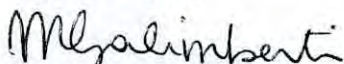
The Phase 1 Impact Assessment Report will identify the archaeological sites and assess their significance. It should also make recommendations (as indicated in section 38 of the NHRA) about the process to be followed. For example, there may need to be a mitigation phase (Phase 2) where the specialist 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.

Where bedrock is to be affected, or where there are coastal sediments, or marine or 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. 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 attached list of accredited Palaeontologists).

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.

Attached please find a list of palaeontological specialists who may be contacted to undertake the necessary palaeontological impact assessments, for a list of archaeologists please visit www.asapa.org.za.

Yours sincerely



pp Nonofho Ndobochani

SAHRA: Archaeology, Palaeontology and Meteorite Unit

For: CHIEF EXECUTIVE OFFICER

Copies: SAHRA Northern Cape
PHRA Northern Cape
Ms. L. Tshikororo (DME)