



## Letter

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

Attention: Ms Hannelie Erasmus  
African Nickel (Koster) (Pty)Ltd  
P O Box 7651  
CENTURION  
0046

### **CONSULTATION IN TERMS OF SECTION 40 OF THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 2002, (ACT 28 OF 2002) FOR THE APPROVAL OF AN ENVIRONMENTAL MANAGEMENT PLAN FOR PROSPECTING RIGHT ON PORTION 5 OF BRAKBOSCHPOORT NO.13 SITUATED IN THE MAGISTERIAL DISTRICT OF PRIESKA, NORTHERN CAPE REGION.**

We have received notification of your application for an environmental management plan in respect of mining permit for diamonds near Barkly West.

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 (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.

### Case Decision

Although it is stated in the EMP that the area to be disturbed by prospecting activities is small, no indication is given of whether new roads will be required to access these excavations. Should no new roads be necessary, or should any developments be less than 300m, a heritage study will not be required for this proposal. Should new roads longer than 300m be necessary, SAHRA will require that a Heritage Impact Assessment is conducted.

Consequently, the quickest process to follow for the archaeological component would be to contract a specialist (see [www.asapa.org.za](http://www.asapa.org.za)) 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.



Enquiries: Kathryn Smuts  
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CaseID: 778

Date: Monday November 12, 2012

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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 study must be undertaken to assess whether or not the proposed activities 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 [www.palaeontologicalsociety.co.za](http://www.palaeontologicalsociety.co.za) for a 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 views must also be assessed.

If it is determined that no HIA is required, this exemption will only apply to the prospecting phase of this proposal. Before mining commences, a full HIA will be required and this must be submitted to SAHRA for comment before any mining related activities can take place on site.

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

Yours faithfully

Kathryn Smuts  
Heritage Officer: Archaeology  
South African Heritage Resources Agency

Colette Scheermeyer  
SAHRA Head Archaeologist  
South African Heritage Resources Agency

**ADMIN:**  
(DMR, Ref: NC 30/5/1/1/3/2/1/10482 EM)



The South African Heritage Resources Agency

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**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.



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