



Enquiries: Kathryn Smuts  
Tel: 021 462 4502  
Email: ksmuts@sahra.org.za  
CaseID: 512

Date: Thursday September 06, 2012

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## Interim Comment

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

Attention: Mr Shane Thomson  
Jasper Mining (Pty) Ltd  
PO Box 9952  
Sandton  
2146

### Consultation in Terms of Section 40 of the Mineral and Petroleum Resources Development Act 2002, (Act 28 of 2002) in Respect of Diamonds on Portion 1 of the Farm Brakfontein No. 276, Situated in the Magisterial District of Hopetown, Northern Cape 279

We have received notification of your application for an environmental management plan in respect of a renewal of mining rights for alluvial diamonds.

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.

### Decision:

It is indicated in Section 1.4 of your EMP that the area under application is 580 ha. Mining activities of this scale trigger a Heritage Impact Assessment in terms of Section 38(1)c of the National Heritage Resources Act (Act 25 of 1999) and it is not indicated in your EMP that such a study has been commissioned.

The quickest process to follow 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 for the archaeological component. This must be done before any prospecting drilling, trenching or mining takes place. This 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 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



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>



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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 viewscapes must also be assessed.

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

Yours faithfully

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Kathryn Smuts  
Heritage Officer: Archaeology  
South African Heritage Resources Agency

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Colette Scheermeyer  
SAHRA Head Archaeologist  
South African Heritage Resources Agency

**ADMIN:**

(DMR, Ref: NC 30/5/1/2/3/2/1/279 EM)



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