



## Letter

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

Attention: Mr Nicholus Maloba  
Vidinite Investments (Pty) Ltd  
PO Box 1677  
Ferndale  
2160

**CONSULTATION IN TERMS OF SECTION 40 OF THE MINERAL AND PETROLEUM RESOURCES ACT 2002, (ACT 28 OF 2002) FOR THE APPROVAL OF AN ENVIRONMENTAL MANAGEMENT PLAN ON PORTIONS 3,8,9 AND 11 OF THE FARM DE KLIPHEUVEL NO.435, PORTIONS 2,6 AND 7 OF THE FARM GROEN RIVIERS VALLEY NO.504, PORTION 1 OF THE FARM HAWERLAND NO.503, PORTIONS 1 AND 9 OF THE FARM ROODE HEUVEL NO.502, REMAINDER, PORTIONS 1,2,3 AND 6 OF THE FARM SABIES NO.505, PORTION 6 OF THE FARM SOUTFONTEIN NO.436 AND PORTIONS 1 AND 2 OF THE FARM SOUTKRAAL NO.437, SITUATED IN THE MAGISTERIAL DISTRICT NAMAQUALAND: NORTHERN CAPE REGION.**

We have received notification of your application for an environmental management plan in respect of prospecting permit for Rare Earth Minerals on several properties in Namaqualand.

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 section 1.1 of the EMP that no structures or sites of heritage significance are located within the affected environment, no indication of a professional assessment is given. SAHRA therefore requests that a full HIA is compiled.

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.





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 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)).

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.

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: NCS 30/5/1/1/3/2/1/10501 EM)

