

Date: 28 October 2024

The Office of the Environmental Commissioner
Ministry of Environment, Forestry and Tourism
Private Bag 13306
Windhoek, Namibia

Attention: Mr. Timoteus Mufeti

Dear Sir,

SUBJECT: APPLICATION FOR AN ENVIRONMENT CLEARANCE CERTIFICATE (ECC) ON MINING CLAIMS NO 75544 -75548: ENVIRONMENTAL SCOPING ASSESSMENT REPORTS IN ABSENCE OF NHC CONSENT.

Environmental and Heritage Impact Assessment (EHIA) practitioners from Excel Dynamic Solutions Pty Ltd value and appreciate the importance of protecting the environment, communities and their historical and or heritage resources and their protection thereof as required in terms of the National Heritage Act (No. 27 of 2004) for the well-being of our societies and the benefit of coming generations.

It is for this reason that our practitioners performed a thorough review of baseline information and did attempt to engage affected stakeholders during the environmental impact scoping study for Mining Claims No. 75544 - 75548. 8153 which is still an application that is pending environmental clearance certificate (ECC) to allow the Ministry of Mines and Energy (MME) to grant the prospecting rights to the applicant. The heritage baseline review in this case aimed at seeking guidance to known protected places and protected objects for risk assessment and to propose mitigation measures for employment during explorations activities.

Worth noting are the critical provisions in the current National Heritage Act and the Heritage Impact Assessment Guidelines that put emphasize on protected places and protected objects and seem to refer to known (pre-identified places and objects and in case of chance find. These are:

- (1) Section 46 which prohibits the removal, damage, alteration or excavation of heritage sites or remains (defined in Part 1, Definitions 1);
- (2) Section 48 sets out the procedure for application and granting of permits such as might be required in the event of damage to a protected site occurring as an inevitable result of development;
- (3) Section 51 guides while Section 53 (7) and Section 54 (7) set out the requirements for impact assessment, particularly in conservation areas and near listed buildings. This would then allow the identification of possible sensitive heritage resources that could be negatively affected by infrastructure developments;
- (4) Section 55, Paragraphs 3 and 4 require that any person who discovers an archaeological site or heritage resource should notify the Council. Section 62 outlines the heritage regulations concerning the issuing of any permit or consent under the Act.

Given the size of covered land and access difficulties to privately owned commercial farmlands, a detailed, corner to corner survey could not be fulfilled to locate protected places and protected objects in compliance with the above provisions. However, our dedicated professional did carry out a desk-review of the historical data and in consultation with stakeholders who could respond to the meeting requests and sites visit, our conclusion is that there are no significant heritage resources within the Mining Claims area and therefore no threat posed by proposed exploration activities.

However, we do encourage the Mining Claims applicant to implement the Environmental Management Plan as well as the Chance Find Guidelines produced during the EHIA to be able to safely manage impacts that may arise during the exploration program implementation phase and upon granting of mineral rights (EPL) by MME.

We herewith this communication request your good office to grant permission to your officials permission to continue with the evaluation of the EIA and EMP reports for the consideration of the environmental clearance certificate and to rather include conditions that dictate the Mining Claim applicant to identify exploration targets through a non-intrusive survey (once the EPL rights have been granted) and to have a professional scheduled for heritage and archaeological monitoring activities during the invasive exploration activities, and that such monitoring reports be submitted together with the ECC biannual auditing reports to the Ministry of Environment, Forestry

and Tourism and the National Heritage Council . This is to be done to ensure a sustainable balance between development and the conservation of the historic environment.

Lastly, it is important to reemphasize the fact that the Mining claims applicant can only get rights granted MME upon acquiring an ECC. To acquire an ECC, one must carry out an EIA. In our opinion, the EIA must include various experts depending on pre-determined sensitive of the area and archaeologists/heritage specialists are some of them. These experts must contribute to the EIA report for MEFT and other competent bodies' review and comments be made to your office (Environmental Commissioner). Then allow the applicant to be granted exploration right to be able to invest in identifying of targets areas over the Mining Claim and request the applicant to then have detailed environmental and heritage surveys and monitoring programs over these targets since that is where most of the activities will be carried out.

We do hope that after some legal opinion submission to concerned competent authorities, a common ground will be found. This to ensure that archaeological works are integrated into the overall EIA works to avoid delays in projects implementation and duplicated efforts.

We hope your esteemed office will find this request sincere, and look forward to your favorable consideration.

Yours in Environmental Affairs



Mr. Nerson Tjelos

Environmental Assessment Projects Manager

CC: Mr. Damian Nchindo: Chief Conservation Scientist