

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 2818/3

Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: BHP Billiton Iron Ore Pty Ltd

1.3. Property details

Property: Iron Ore (Mount Newman) Agreement Act 1964, Special Lease for Mining Operations

3116/3687, Document I 154279 L, Lot 19 on Deposited Plan 48921, Lot 65 on Deposited

Plan 48920;

Iron Ore (Mount Newman) *Agreement Act 1964*, Special Lease for Mining Operations 3116/4028, Lot 24 on Deposited Plan 60348, Lot 25 on Deposited Plan 60349, Lot 26 on Deposited Plan 60350, Lot 92 on Deposited Plan 60351, Lot 93 on Deposited Plan 60352, Lot 94 on Deposited Plan 60707, Lot 95 on Deposited Plan 60708, Lot 96 on Deposited

Plans 60709;

Iron Ore (Mount Newman) Agreement Act 1964, Special Lease for Mining Operations

3116/6301, Document No I 123595 L, Lot 48 on Deposited Plan 48928;

Iron Ore (Marillana Creek) Agreement Act 1991, Mining Lease 270SA (AM 70/270)

Local Government Area: Shire of East Pilbara

Colloquial name: Yandi Junction to Jimblebar Junction Project

1.4. Application

Clearing Area (ha) No. Trees Method of Clearing For the purpose of:

243 Mechanical Removal Camp construction, railway construction and

maintenance, and associated activities

1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 7 August 2014

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description

Beard vegetation associations have been mapped for the whole of Western Australia, and are a useful tool to examine the vegetation extent in a regional context. Three Beard vegetation associations are located within the application area (GIS Database):

29; sparse low woodland; mulga, discontinuous in scattered groups;

82; hummock grasslands, low tree steppe; snappy gum over Triodia wiseana; and

111; hummock grasslands, shrub steppe; Eucalyptus gamophylla over hard Spinifex.

ENV Australia Pty Ltd (2008a) undertook a Level 2 flora and vegetation survey of the Yandi Junction (chainage 281 kilometres) to Jimblebar Junction (chainage 401 kilometres) railway reserve in April 2008. The flora and vegetation assessment identified the following vegetation associations within the application area:

Mainline Railway Lease

AdAnTp/*Cc (Acacia dictyophleba shrubland): Acacia dictyophleba high open shrubland over mixed Acacia shrubland over Triodia pungens open hummock grassland over *Cenchrus ciliaris tussock grassland;

AaAnTp/*Cc (*Acacia aneura* open woodland): *Acacia aneura* (mixed subspecies) low open woodland over *A. ancistrocarpa* shrubland over *Triodia pungens* open hummock grassland over *Cenchrus ciliaris tussock grassland;

AaAsCf/*Cc (Acacia aneura shrubland): Acacia aneura (mixed subspecies), Acacia ancistrocarpa, Acacia pruinocarpa and Acacia synchronicia shrubland over Triodia pungens very open hummock grassland over Chrysopogon fallax and *Cenchrus ciliaris tussock grassland;

EgApTp*Cc (*Eucalyptus gamophylla* low open mallee woodland): *Eucalyptus xerothermica* low open woodland over *Eucalyptus gamophylla* low open mallee woodland over mixed *Acacia* shrubland over *Triodia pungens* open hummock grassland over **Cenchrus ciliaris* tussock grassland;

ChAp*Cc (*Corymbia hamersleyana* woodland - plains): *Corymbia hamersleyana*, *Corymbia semiclara* and *Corymbia* aff. *opaca* scattered low trees over mixed *Acacia* shrubland over *Triodia basedowii* and *Triodia pungens* very open hummock grassland over **Cenchrus ciliaris* tussock grassland;

ApAsCf/*Cc (Acacia pruinocarpa low woodland): Acacia pruinocarpa low woodland over mixed Acacia shrubland over Chrysopogon fallax and *Cenchrus ciliaris tussock grassland;

ExAa*Cc (Eucalyptus xerothermica low open woodland - riparian): Eucalyptus xerothermica low open woodland over mixed Acacia citrinoviridis and other Acacia species shrubland over Triodia pungens open hummock grassland over *Cenchrus ciliaris open tussock grassland;

AcAs*Cc (Acacia citrinoviridis woodland/shrubland - drain / riparian): Acacia citrinoviridis and mixed Acacia species high shrubland over *Cenchrus ciliaris tussock grassland;

CaAn*Cc (*Corymbia aspera* **low open woodland**): *Corymbia aspera* low open woodland over mixed *Acacia* species shrubland over *Triodia pungens* open hummock grassland over **Cenchrus ciliaris* open tussock grassland;

EvAc*Cc (Eucalyptus victrix low woodland - drains / riparian): Eucalyptus victrix low woodland over mixed Acacia species shrubland over Triodia pungens very open hummock grassland over *Cenchrus ciliaris tussock grassland:

ApSaCf (*Acacia pruinocarpa* **shrubland over** *Senna artemisioides* **scrub)**: *Acacia pruinocarpa* and mixed *Acacia* species shrubland over *Senna artemisioides* (mixed subspecies) low shrubland over *Chrysopogon fallax* and **Cenchrus ciliaris* tussock grassland;

AsTp/*Cc (Acacia synchronicia shrubland): Acacia synchronicia and mixed Acacia species shrubland over Triodia pungens hummock grassland over *Cenchrus cilliaris and Chrysopogon fallax tussock grassland;

AdTp (Acacia dictyophleba and Acacia ancistrocarpa high shrubland - drain / riparian): Acacia dictyophleba, Acacia marramamba and Acacia ancistrocarpa high shrubland over Triodia pungens very open hummock grassland over *Cenchrus ciliaris, Chrysopogon fallax tussock grassland; and

ElAaTw/Tp (Eucalyptus leucophloia subsp. leucophloia low open woodland on hill slopes): Eucalyptus leucophloia subsp. leucophloia low open woodland over Acacia aneura var. aneura, Acacia bivenosa, Senna glutinosa subsp. glutinosa shrubland over Triodia wiseana, Triodia pungens, Triodia sp. Shovelanna Hill (S. van Leeuwen 3835) hummock grassland over *Cenchrus ciliaris open tussock grassland.

ENV Australia Pty Ltd (2008e) undertook a Level 2 flora and vegetation survey of Rail Repeater Stations Six, Seven and Eight, and their associated access roads. The following vegetation associations were described from each Rail Repeater Station.

Vegetation associations recorded at Rail Repeater Station Six

AaAh*Cc: Open *Acacia aneura* var. *conifera* and *Corymbia* aff. *opaca* woodland over mixed *Acacia* shrubland over *Cenchrus cilliaris tussock grassland; and

Ah*Cc: High Atalaya hemiglauca shrubland over *Cenchrus ciliaris tussock grassland.

Vegetation associations recorded at Rail Repeater Station Seven

EgSnTp: Eucalyptus gamophylla and Corymbia opaca low open woodland over Acacia hilliana, Senna notabilis, Scaevola spp. Low open shrubland over Triodia pungens / T. basedowii open hummock grassland; and

CoAhTp/Tb: Corymbia opaca and Eucalyptus gamophylla low open woodland over Acacia pruinocarpa shrubland over A. hilliana low shrubland over Triodia pungens / T. basedowii hummock grassland over Eriachne mucronata very open tussock grassland.

Vegetation associations recorded at Rail Repeater Station Seven

EgSnTp: Eucalyptus gamophylla and Corymbia opaca low open woodland over Acacia hilliana, Senna notabilis, Scaevola spp. Low open shrubland over Triodia pungens / T. basedowii open hummock grassland; and

CoAhTp/Tb: Corymbia opaca and Eucalyptus gamophylla low open woodland over Acacia pruinocarpa shrubland over A. hilliana low shrubland over Triodia pungens / T. basedowii hummock grassland over Eriachne mucronata very open tussock grassland.

Vegetation associations recorded at Rail Repeater Station Eight

EIAtTs: Eucalyptus leucophloia low open woodland over Acacia tumida var. pilbarensis open scrub over Acacia spp., Grevillea wickhamii, Rulingia luteiflora and Gossypium robinsonii open heath over Gompholobium karijini, Senna spp. and Corchorus spp. low shrubland over Triodia sp. Shovelanna Hill hummock grassland over Themeda triandra open tussock grassland;

AaAs*Cc: Acacia aneura and Corymbia hamersleyana open woodland over Acacia spp. high shrubland over Senna artemisioides (mixed subsp.) shrubland over Sida platycalyx and Maireana villosa low shrubland over *Cenchrus ciliaris and Chrysopogon fallax open tussock grassland;

CcAsTp: Corymbia candida scattered low trees over Acacia sericophylla, A. ancistrocarpa and A. pruinocarpa shrubland/scrub over Senna artemisioides and Maireana villosa low open heath over Triodia pungens open hummock grassland;

EIAaTs: Eucalyptus leucophloia low open woodland over Hakea lorea subsp. lorea scattered shrubs over Acacia arida, Senna artemisioides subsp. oligophylla x helmsii, Dodonaea pachyneura, Eremophila latrobei subsp. aff. filiformis, Calytrix carinata, Gompholobium karijini and Acacia rhodophloia low shrubland over Triodia sp. Shovelanna Hill closed hummock grassland; and

ChAiTI: Corymbia hamersleyana low open woodland over Acacia inaequilatera, A. sclerosperma subsp. sclerosperma, Hakea lorea subsp. lorea and Gossypium robinsonii high shrubland over Acacia spp., Senna artemisioides subsp. oligophylla shrubland over Corchorus tectus low shrubland over Triodia lanigera hummock grassland over Aristida inaequiglumis closed tussock grassland.

ENV Australia Pty Ltd (2008d) undertook a Level 2 flora and vegetation survey of the Quarry Six lease area (part of the application area) in May 2008. The following vegetation associations were recorded:

Quarry Six Lease

EgAaTp (*Acacia ancistrocarpa* shrubland- floodplain): *Eucalyptus gamophylla* and *E. xerothermica* low open woodland over mixed *Acacia* spp. shrubland over *Triodia pungens* very open hummock grassland over **Cenchrus ciliaris* tussock grassland;

Ex/EgAsTp (*Eucalyptus xerothermica* and *E. gamophylla* woodland): *Eucalyptus xerothermica* and *E. gamophylla* low woodland over *Acacia sclerosperma subsp. sclerosperma* and other mixed *Acacia* spp. open shrubland over *Triodia pungens* hummock grassland;

Ex/AaAsTp (Eucalyptus xerothermica and Acacia aneura var. pilbarana high shrubland)
General characteristics: Eucalyptus xerothermica and Acacia aneura var. pilbarana over Acacia spp., Eremophila spp. Ptilotus obovatus var. obovatus, Psydrax latifolia and Anthobolus leptomerioides open shrubland over Maireana triptera low open shrubland over Triodia pungens and *Cenchrus ciliaris hummock/tussock grassland;

AsMtTp (Maireana triptera low shrubland): Acacia synchronicia scattered tall shrubs scattered over Maireana triptera and Eremophila cuneifolia low shrubland over Triodia pungens and *Cenchrus ciliaris scattered tussock grasses;

ExAsTa (*Triodia angusta* hummock grassland): *Eucalyptus xerothermica* scattered low trees over *Acacia sclerosperma* subsp. *sclerosperma* and other *Acacia* spp. shrubland over *Triodia angusta* hummock grassland;

Ex/ApTp (Acacia paraneura low woodland): Acacia paraneura low woodland over A. sclerosperma subsp. sclerosperma, A. aneura and A. synchronicia and Eremophila spp. shrubland over Triodia pungens hummock grassland over *Cenchrus ciliaris scattered grasses;

ChAp*Tp (*Acacia pruinocarpa* high shrubland): Corymbia hamersleyana scattered low trees over *Acacia pruinocarpa* and mixed *Acacia* spp. high shrubland over *Triodia pungens* open hummock grassland;

ChGwTb/Tw (Corymbia hamersleyana open woodland): Corymbia hamersleyana and Eucalyptus gamophylla low open woodland over Grevillea wickhamii subsp. hispidula, Acacia pyrifolia and A. pruinocarpa high shrubland over Keraudrenia velutina subsp. elliptica low scattered shrubs over Triodia basedowii and T. wiseana open hummock grassland; and

CcGwTb (Corymbia candida subsp. dipsodes low open woodland – drainage line): Corymbia candida subsp. dipsodes, C. hamersleyana and Eucalyptus gamophylla low open woodland over Grevillea wickhamii subsp. hispidula, Acacia dictyophleba and Eremophila longifolia open shrubland over Keraudrenia velutina subsp. elliptica over Triodia basedowii open hummock grassland.

ENV Australia Pty Ltd (2008b) undertook a Level 2 flora and vegetation survey of a 488 hectare area of Mining Lease 270SA in May 2008. The following vegetation associations were recorded in the application area:

Mining Lease 270SA

EgAtTb: Low open *Eucalyptus gamophylla* mallee woodland over *Acacia trudgeniana* and *Grevillea wickhamii* shrubland over *Triodia basedowii* hummock grassland;

CoAtTb: Corymbia opaca scattered trees over mixed Acacia spp. and Grevillea wickhamii shrubland over low shrubland of Corchorus sidoides, Bonamia rosea, Cullen leucochaites, Tephrosia densa, Senna notabilis over Triodia pungens / T. schinzii / T. lanigera / T. basedowii hummock grassland over Cleome viscosa and Mollugo molluginea very open herbland;

AtTI: High open shrubland of *Acacia trudgeniana* and *Hakea lorea* subsp. *lorea* over scattered *Grevillea wickhamii* over low open *Corchorus / Tephrosia* spp. shrubland over *Triodia lanigera*;

EgTdTp: Low open *Eucalyptus gamophylla* mallee and *Corymbia* aff. *opaca* woodland over *Hakea lorea* over low open shrubland of *Tephrosia / Sida I Corchorus* spp. over *Triodia basedowii* hummock grassland; and

EIGwTs: Eucalyptus leucophloia low open woodland over *Grevillea wickhamii* and *Hakea lorea* high open shrubland over low open shrubland of *Acacia* spp., *Calytrix carinata*, *Corchorus lasiocarpus*, *Dampiera candicans* over *Triodia* sp. Shovelanna Hill (S. van Leeuwen 3835) / *Eriachne mucronata* open grassland.

*introduced flora species.

Clearing Description

Yandi Junction to Jimblebar Junction Project.

BHP Billiton Iron Ore Pty Ltd (BHP) proposes to clear up to 243 hectares of native vegetation within a total boundary of approximately 1,056 hectares for the purpose of camp construction, railway construction and maintenance, and associated activities. The project is located approximately 15 kilometres north-east of Newman, in the Shire of East Pilbara.

Vegetation Condition

Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994);

to:

Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).

Comment

BHP Billiton commissioned ENV Australia Pty Ltd (2008a; 2008b; 2008c; 2008d; and 2008e) to conduct flora and vegetation surveys of the application area in 2008. Factors taken into consideration when determining the vegetation condition were; weeds, grazing, litter and ground disturbance (tracks and other cleared areas). Vegetation condition was determined from survey findings.

Clearing Permit CPS 2818/1 was granted by the Department of Mines and Petroleum on 2 April 2009. The clearing permit authorised the clearing of 243 hectares of native vegetation within a total boundary of 1,056 hectares. CPS 2818/1 was amended on 25 June 2009 to include the construction of a camp to the purpose for which clearing may be done. On 18 June 2014, BHP applied to extend the permit expiry date to 30 November 2024 and amend the annual reporting date to 1 October.

3. Assessment of application against clearing principles

Comments

The amendment to extend the permit duration and change the annual reporting date is unlikely to result in any additional environmental impacts. The size of the area approved to clear and the permit boundaries remain unchanged.

The assessment against the clearing principles remains consistent with the assessment in decision report CPS 2818/1 and CPS 2818/2.

Planning instrument, Native Title, Previous EPA decision or other matter.

Comments

There are two native title claims over the application area (GIS Database). These claims (WC2011/006 and WC2005-006) have been registered with the National Native Title Tribunal on behalf of the claimant groups (GIS Database). However, the mining tenure has been granted in accordance with the future act regime of the *Native Title Act 1993* and the nature of the act (i.e. the proposed clearing activity) has been provided for in that process, therefore, the granting of a clearing permit is not a future act under the *Native Title Act 1993*.

There are three registered Sites of Aboriginal Significance within the application area (BHP, 2008; GIS Database). Heritage surveys have been undertaken by the traditional owners of the land, confirming that there are no registered Sites within the proposed clearing areas (BHP, 2008). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Sites of Aboriginal Significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Environment Regulation, the Department of Parks and Wildlife, and the Department of Water, to determine whether a Works Approval, Water Licence, Bed and Banks Permit, or any other licences or approvals are required for the proposed works.

Methodology

BHP (2008)

GIS Database:

- Aboriginal Sites of Significance
- Native Title Claims Registered with the NNTT
- Native Title Claims Filed at the Federal Court

4. References

- BHP (2008) Yandi Junction to Jimblebar Junction, BHP Billiton Iron Ore Pty Ltd Application to Clear Native Vegetation (Purpose Permit) under the *Environmental Protection Act 1986*, supporting documentation, Perth, Western Australia.
- ENV Australia Pty Ltd (2008a) Rapid Growth Project 5: Jimblebar Junction to Yandi Junction Railway Reserve, Flora and Vegetation Assessment Report, prepared for BHP Billiton, Perth, Western Australia.
- ENV Australia Pty Ltd (2008b) Rapid Growth Project 5: M270SA Flora and Vegetation Assessment Report, prepared for BHP Billiton, Perth, Western Australia.
- ENV Australia Pty Ltd (2008c) Rapid Growth Project 5: Quarry Six Fauna Assessment Report, prepared for BHP Billiton, Perth, Western Australia.
- ENV Australia Pty Ltd (2008d) Rapid Growth Project 5: Quarry Six Flora and Vegetation Assessment Report, prepared for BHP Billiton, Perth, Western Australia.
- ENV Australia Pty Ltd (2008e) Rapid Growth Project 5: Repeaters Six, Seven and Eight Flora and Vegetation Assessment Report, prepared for BHP Billiton, Perth, Western Australia.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

5. Glossary

Acronyms:

BoM Bureau of Meteorology, Australian Government
DAA Department of Aboriginal Affairs, Western Australia
DAFWA Department of Agriculture and Food, Western Australia

DEC Department of Environment and Conservation, Western Australia (now DPaW and DER)

DER Department of Environment Regulation, Western Australia
DMP Department of Mines and Petroleum, Western Australia

DRF Declared Rare Flora

DotE Department of the Environment, Australian Government

DoW Department of Water, Western Australia

DPaW Department of Parks and Wildlife, Western Australia

DSEWPaC Department of Sustainability, Environment, Water, Population and Communities (now DotE)

EPA Environmental Protection Authority, Western Australia
EP Act Environmental Protection Act 1986, Western Australia

EPBC Act Environment Protection and Biodiversity Conservation Act 1999 (Federal Act)

Geographical Information System
ha
Hectare (10,000 square metres)

IBRA Interim Biogeographic Regionalisation for Australia

IUCN International Union for the Conservation of Nature and Natural Resources – commonly known as the World

Conservation Union

PEC Priority Ecological Community, Western Australia

RIWI Act Rights in Water and Irrigation Act 1914, Western Australia

s.17 Section 17 of the Environment Protection Act 1986, Western Australia

TEC Threatened Ecological Community

Definitions:

{DPaW (2013) Conservation Codes for Western Australian Flora and Fauna. Department of Parks and Wildlife, Western Australia}:-

T Threatened species:

Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 1 of the Wildlife Conservation (Specially Protected Fauna) Notice for Threatened Fauna or the Wildlife Conservation (Rare Flora) Notice for Threatened Flora (which may also be referred to as Declared Rare Flora).

Threatened Fauna and Flora are further recognised by the Department according to their level of threat using IUCN Red List criteria. For example Carnaby's Cockatoo *Calyptorynchus latirostris* is specially protected under the *Wildlife Conservation Act 1950* as a threatened species with a ranking of Endangered.

Rankings:

CR: Critically Endangered - considered to be facing an extremely high risk of extinction in the wild.

EN: Endangered - considered to be facing a very high risk of extinction in the wild.

VU: Vulnerable - considered to be facing a high risk of extinction in the wild.

X Presumed Extinct species:

Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 2 of the Wildlife Conservation (Specially Protected Fauna) Notice for Presumed Extinct Fauna and Wildlife Conservation (Rare Flora) Notice for Presumed Extinct Flora (which may also be referred to as Declared Rare Flora).

IA Migratory birds protected under an international agreement:

Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 3 of the Wildlife Conservation (Specially Protected Equal) Nation

Conservation (Specially Protected Fauna) Notice.

Birds that are subject to an agreement between governments of Australia and Japan, China and The Republic of Korea relating to the protection of migratory birds and birds in danger of extinction.

S Other specially protected fauna:

Specially protected under the *Wildlife Conservation Act 1950*, listed under Schedule 4 of the Wildlife Conservation (Specially Protected Fauna) Notice.

P1 Priority One - Poorly-known species:

Species that are known from one or a few collections or sight records (generally less than five), all on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, Shire, rail reserves and Main Roads WA road, gravel and soil reserves, and active mineral leases and under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes.

P2 Priority Two - Poorly-known species:

Species that are known from one or a few collections or sight records, some of which are on lands not under imminent threat of habitat destruction or degradation, e.g. national parks, conservation parks, nature reserves, State forest, unallocated Crown land, water reserves, etc. Species may be included if they are comparatively well known from one or more localities but do not meet adequacy of survey requirements and

appear to be under threat from known threatening processes.

P3 Priority Three - Poorly-known species:

Species that are known from collections or sight records from several localities not under imminent threat, or from few but widespread localities with either large population size or significant remaining areas of apparently suitable habitat, much of it not under imminent threat. Species may be included if they are comparatively well known from several localities but do not meet adequacy of survey requirements and known threatening processes exist that could affect them.

P4 Priority Four - Rare, Near Threatened and other species in need of monitoring:

- (a) Rare. Species that are considered to have been adequately surveyed, or for which sufficient knowledge is available, and that are considered not currently threatened or in need of special protection, but could be if present circumstances change. These species are usually represented on conservation lands.
- (b) Near Threatened. Species that are considered to have been adequately surveyed and that do not qualify for Conservation Dependent, but that are close to qualifying for Vulnerable.
- (c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

P5 Priority Five - Conservation Dependent species:

Species that are not threatened but are subject to a specific conservation program, the cessation of which would result in the species becoming threatened within five years.

Principles for clearing native vegetation:

- (a) Native vegetation should not be cleared if it comprises a high level of biological diversity.
- (b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.
- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.
- (d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.
- (e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.
- (f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.
- (g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.
- (h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.
- (i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.
- (j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.