



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 9148/2
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Black Cat (Bulong) Pty Ltd

1.3. Property details

Property: Mining Lease 25/350
Mining Lease 26/248
Mining Lease 26/364
Mining Lease 26/417
Miscellaneous Licence 25/23
Miscellaneous Licence 25/37
Miscellaneous Licence 25/49
Local Government Area: City of Kalgoorlie-Boulder
Colloquial name: Imperial-Majestic Gold Project

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
214.9		Mechanical Removal	Mineral production and associated activities

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 6 May 2021

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description The vegetation of the application area is broadly mapped as the following Beard vegetation association: 468: Medium woodland; salmon gum & goldfields blackbutt (GIS Database).

A Level 2 flora and vegetation survey was undertaken over the majority of Mining Lease 25/350 by Outback Ecology between 21 and 25 October 2010, and 9 to 13 May 2011. A level 1 flora and vegetation survey was undertaken over the middle section of the proposed haul road by Outback Ecology (2011a) from 21 to 25 October 2010. The following vegetation associations were recorded (Outback Ecology, 2011a);

Mining Lease 25/350

EsaMs

Scattered Woodland of *Eucalyptus salmonophloia* over an Open Shrubland of *Lycium australe*, *Maireana sedifolia*, *Senna artemisioides* subsp. *filifolia*, *Tecticornia disarticulata* and *Atriplex* spp.

EsaEi

Open Woodland of *Eucalyptus salmonophloia* with occasional *E. salubris* over a Tall Scattered Shrubland of *Eremophila interstans* subsp. *interstans* over an Open Shrubland of *Lycium australe*, *Maireana sedifolia*, *M. pyramidata*, *Senna artemisioides* subsp. *filifolia*, *Tecticornia disarticulata* and *Atriplex* spp.

AtPa

Tall Shrubland of *Acacia tetragonophylla*, *Pittosporum angustifolium* and *Santalum spicatum* over a mixed Shrubland.

EsIEs

Open Woodland of *Eucalyptus salubris* with occasional *E. salmonophloia* over a Tall Scattered Shrubland of *Eremophila scoparia* over a Low Open Shrubland of *Maireana sedifolia* and *Tecticornia disarticulata*.

CoEi

Low Open Woodland of *Casuarina obesa* over a Tall Scattered Shrubland of *Eremophila interstans* subsp. *interstans* over a Low Open Shrubland of *Maireana sedifolia*.

EsIEy

Woodland of *Eucalyptus salubris* with occasional *E. yilgarnensis* over a Tall Open Shrubland of *Eremophila interstans* subsp. *interstans* over a Low Scattered Shrubland of *Olearia muelleri*, *Enchylaena tomentosa* and other mixed shrubs.

EIMs

Woodland of *Eucalyptus lesouefii* over a Low Open Shrubland of *Maireana sedifolia* and *Tecticornia disarticulata*.

EgAnp

Low Open Woodland of *Eucalyptus griffithsii* over Tall Shrubland of *Acacia* sp. narrow phyllode (B.R. Maslin 7831) over an Open Shrubland of *Eremophila* spp., *Senna artemisioides* subsp. *filifolia*, *Dodonaea lobulata*, *Atriplex nummularia* subsp. *spathulata* and *Maireana sedifolia*.

IMs

Tall Open Shrubland of *Casuarina pauper* and *Acacia tetragonophylla* over a Low Open Shrubland of *Dodonaea lobulata* over a Very Open Grassland of *Triodia irritans*.

EgEd

Low Woodland of *Eucalyptus griffithsii* over Tall Open Shrubland of *Eremophila dempsteri* and *E. interstans* subsp. *interstans* over an Open Shrubland of *Dodonaea lobulata*, *Maireana sedifolia*, *Scaevola spinescens* and *Prostanthera campbellii*.

CpAt

Low Scattered Woodland of *Casuarina pauper* over an Open Shrubland of *Acacia tetragonophylla* and *Dodonaea lobulata* over Very Open Grassland of *Triodia irritans*.

EgAnpEg

Low Open Woodland of *Eucalyptus griffithsii* over Tall Shrubland of *Acacia* sp. Narrow phyllode (B. R. Maslin 7831) over an Open Shrubland of *Eremophila granitica*, *Scaevola spinescens* and *Dodonaea lobulata*.

Proposed Haul Road**EsaEIEc**

Open Woodland of *Eucalyptus salmonophloia* and *E. lesouefii* with occasional *E. celastroides* subsp. *celastroides* and *Casuarina obesa* over a Tall Open Shrubland of *Eremophila dempsteri*, *E. oldfieldii* subsp. *angustifolia* over an Open Shrubland of *Senna artemisioides* subsp. *filifolia*, *E. glabra* subsp. *glabra* and *Atriplex nummularia* subsp. *spathulata* and *Maireana* spp.

EsaEstEI

Open Woodland of *Eucalyptus salmonophloia*, *E. stricklandii* and *E. lesouefii* over a Tall Open Shrubland of *Eremophila dempsteri* and *E. oldfieldii* subsp. *angustifolia*, over Open Shrubland of *E. decipiens* subsp. *decipiens*, *Senna artemisioides* subsp. *filifolia* and *Olearia muelleri*.

EccEo

Woodland of *Eucalyptus celastroides* subsp. *celastroides* with occasional *E. salmonophloia* and *E. salubris* over a Tall Open Shrubland of *Eremophila oldfieldii* subsp. *angustifolia* and *Exocarpos aphyllus* over a Low Shrubland of *E. decipiens* subsp. *decipiens* and *Senna artemisioides* subsp. *filifolia*.

A Level 1 flora and vegetation survey was undertaken over the northern part of the proposed haul road by Botanica Consulting (Botanica) on 18 December 2014. The following vegetation associations were recorded (Botanica, 2015);

CLP-EOW

Open low woodland of *Eucalyptus salmonophloia*/*Eucalyptus transcontinentalis* over open low scrub of *Eremophila interstans*/*Senna artemisioides* subsp. *filifolia* and low heath of *Maireana sedifolia*/*Tecticornia disarticulata*.

CLP-EW1

Low woodland of *Eucalyptus lesouefii* over open low scrub of *Eremophila interstans* and dwarf scrub of *Maireana sedifolia*.

CLP-EW2

Low woodland of *Eucalyptus lesouefii* over open tree mallee of *Eucalyptus celastroides* over low scrub of *Eremophila interstans* subsp. *virgata*/*Melaleuca sheathiana* and dwarf scrub of *Maireana triptera*.

CLP-EW3

Forest low of *Eucalyptus ravidia* over open scrub of *Eremophila interstans* and open dwarf scrub of *Maireana triptera*/*Maireana georgei*.

RH-EW1

Open low woodland of *Eucalyptus salmonophloia*/*Eucalyptus ravidia* over low scrub of *Melaleuca sheathiana* and dwarf scrub of *Scaevola spinescens*.

Clearing Description

Imperial-Majestic Gold Project.
Black Cat (Bulong) Pty Ltd proposes to clear up to 214.9 hectares of native vegetation within a boundary of approximately 375 hectares, for the purpose of mineral production and associated activities. The project is located approximately 35 kilometres south-east of Kambalda, within the City of Kalgoorlie-Boulder.

Vegetation Condition	<p>Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994);</p> <p>to:</p> <p>Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).</p>
Comment	<p>The vegetation condition was derived from vegetation surveys conducted by Botanica (2015) and Outback Ecology (2011a).</p> <p>The survey by Botanica was undertaken outside the recommended survey period, however Botanica estimates that approximately 90% of the flora taxa within the survey area was recorded (Botanica, 2015).</p> <p>Clearing permit CPS 9148/1 was granted by the Department of Mines, Industry Regulation and Safety on 28 January 2021 and was valid from 20 February 2021 to 19 February 2026. The permit authorised the clearing of up to 136.9 hectares of native vegetation within a boundary of approximately 375 hectares, for the purpose of mineral production and associated activities.</p> <p>On 25 March 2021, the Permit Holder applied to amend CPS 9148/1 to increase the area authorised to clear by 78 hectares. The permit boundary remains unchanged.</p>

3. Assessment of application against Clearing Principles

Comments

The permit holder has applied to increase the amount of clearing authorised from 136.9 hectares to 214.9 hectares, to allow for a Tailings Storage Facility (TSF) and associated roads and pipelines (Black Cat, 2021).

The application area occurs within the Eastern Goldfields subregion of the Coolgardie Interim Biogeographic Regionalisation of Australia bioregion (GIS Database). The application area is broadly mapped as Beard vegetation association 468 (GIS Database). Over 97% of the pre-European extent of this vegetation association remains uncleared at both the state and bioregional level (Government of Western Australia, 2019). The vegetation proposed to be cleared does not represent a significant remnant of native vegetation in an area that has been extensively cleared, and the additional 78 hectares of proposed clearing will not change the conservation status of the vegetation associations previously mapped within the permit boundary (Botanica, 2015; Outback Ecology, 2011a).

There are no conservation areas within or in close proximity to the application area (GIS Database). No flora or fauna species of conservation significance, or Threatened or Priority Ecological Communities have been recorded within the application area (Botanica, 2015; Outback Ecology, 2011a; GIS Database).

The vegetation associations, landforms, and fauna habitat types occurring within the application area are well represented in the region (Botanica, 2015; Outback Ecology, 2011a; GIS Database), and the additional 78 hectares of clearing within the existing permit boundary is unlikely to result in any significant additional environmental impacts.

There are no permanent watercourses or wetlands within the application area (GIS Database). There was no riparian vegetation identified within the application area (Botanica, 2015; Outback Ecology, 2011a).

Dispersive soil material which may become problematic after disturbance was identified within the permit boundary (Outback Ecology, 2011b). Potential land degradation impacts may be minimised by the existing staged clearing condition.

Although the permit boundary intersects the Majestic Timber Reserve (DPaW managed land), the proposed clearing for a TSF and associated roads and pipelines will occur in the northern section of the application area which are located outside the Majestic Timber Reserve (Black Cat, 2021). The permit boundary which intersects the Majestic Timber Reserve follows an existing road which the proponent will utilise as a haul road (Botanica, 2015).

There were numerous weed species identified within the permit boundary (Botanica, 2015; Outback Ecology, 2011a). Weeds have the potential to alter the biodiversity of an area, competing with native vegetation for available resources and making areas more fire prone. Potential impacts to biodiversity as a result of the proposed clearing may be minimised by the existing weed management condition.

The amendment application has been assessed against the clearing principles, planning instruments and other matters in accordance with s.51O of the *Environmental Protection Act 1986*. Environmental information has been reviewed, and the assessment of the proposed clearing against the clearing principles remains consistent with the assessment contained in decision report CPS 9148/1.

Methodology	<p>Black Cat (2021)</p> <p>Botanica (2015)</p> <p>Government of Western Australia (2019)</p> <p>Outback Ecology (2011a)</p>
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Outback Ecology (2011b)

GIS Database:

- DPaW Tenure
- Hydrography, Lakes
- Hydrography, Linear
- IBRA Australia
- Imagery
- Landsystem Rangelands
- Pre-European Vegetation
- Public Drinking Water Source Areas
- Soils, Statewide
- Threatened and Priority Ecological Communities boundaries
- Threatened and Priority Ecological Communities buffers
- Threatened and Priority Flora
- Threatened Fauna

Planning Instrument, Native Title, previous EPA decision or other matter.

Comments

The clearing permit application was advertised on 5 April 2021 by the Department of Mines, Industry Regulation and Safety (DMIRS), inviting submissions from the public. No submissions were received in relation to this application.

There is one native title claim over the area under application (DPLH, 2021). This claim has been registered with the National Native Title on behalf of the claimant group. 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 no registered Aboriginal Sites of Significance within the application area (DPLH, 2021). It is the proponent's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

It is the proponent's responsibility to liaise with the Department of Water and Environmental Regulation and the Department of Biodiversity, Conservation and Attractions, 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 DPLH (2021)

4. References

- Black Cat (2021) Additional information received in relation to Clearing Permit Application CPS 9148/2. Black Cat (Bulong) Pty Ltd, Western Australia.
- Botanica (2015) Level 1 Flora and Vegetation Survey of the Imperial Majestic Project Haul Road. Report prepared for Silver Lake Resources Ltd, by Botanica Consulting, January 2015.
- DPLH (2021) Aboriginal Heritage Inquiry System. Department of Planning, Lands and Heritage.
<https://espatial.dplh.wa.gov.au/AHIS/index.html?viewer=AHIS> (Accessed 7 April 2021).
- Government of Western Australia (2019) 2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of March 2019. WA Department of Biodiversity, Conservation and Attractions, Perth.
<https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics>
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Outback Ecology (2011a) Majestic Level 2 and Haul Road Level 1 Vegetation and Flora Surveys. Report prepared for Integra Mining Limited, by Outback Ecology Services, November 2011.
- Outback Ecology (2011b) Integra Mining Limited Majestic Gold Project – Baseline Soil Resource Assessment. Report prepared for Integra Mining Limited, by Outback Ecology Services, April 2011.

5. Glossary

Acronyms:

BC Act	<i>Biodiversity Conservation Act 2016</i> , Western Australia
BoM	Bureau of Meteorology, Australian Government
DAA	Department of Aboriginal Affairs, Western Australia (now DPLH)
DAFWA	Department of Agriculture and Food, Western Australia (now DPIRD)

DAWE	Department of Agriculture, Water and the Environment, Australian Government
DBCA	Department of Biodiversity, Conservation and Attractions, Western Australia
DER	Department of Environment Regulation, Western Australia (now DWER)
DMIRS	Department of Mines, Industry Regulation and Safety, Western Australia
DMP	Department of Mines and Petroleum, Western Australia (now DMIRS)
DoEE	Department of the Environment and Energy (now DAWE)
DoW	Department of Water, Western Australia (now DWER)
DPaW	Department of Parks and Wildlife, Western Australia (now DBCA)
DPIRD	Department of Primary Industries and Regional Development, Western Australia
DPLH	Department of Planning, Lands and Heritage, Western Australia
DRF	Declared Rare Flora (now known as Threatened Flora)
DWER	Department of Water and Environmental Regulation, Western Australia
EP Act	<i>Environmental Protection Act 1986</i> , Western Australia
EPA	Environmental Protection Authority, Western Australia
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Federal Act)
GIS	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	<i>Rights in Water and Irrigation Act 1914</i> , Western Australia
TEC	Threatened Ecological Community

Definitions:

{DBCA (2019) Conservation Codes for Western Australian Flora and Fauna. Department of Biodiversity, Conservation and Attractions, Western Australia}:-

T Threatened species:

Listed by order of the Minister as Threatened in the category of critically endangered, endangered or vulnerable under section 19(1), or is a rediscovered species to be regarded as threatened species under section 26(2) of the *Biodiversity Conservation Act 2016* (BC Act).

Threatened fauna is that subset of ‘Specially Protected Fauna’ listed under schedules 1 to 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for Threatened Fauna.

Threatened flora is that subset of ‘Rare Flora’ listed under schedules 1 to 3 of the *Wildlife Conservation (Rare Flora) Notice 2018* for Threatened Flora.

The assessment of the conservation status of these species is based on their national extent and ranked according to their level of threat using IUCN Red List categories and criteria as detailed below.

CR Critically endangered species

Threatened species considered to be “*facing an extremely high risk of extinction in the wild in the immediate future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as critically endangered under section 19(1)(a) of the BC Act in accordance with the criteria set out in section 20 and the ministerial guidelines. Published under schedule 1 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for critically endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for critically endangered flora.

EN Endangered species

Threatened species considered to be “*facing a very high risk of extinction in the wild in the near future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as endangered under section 19(1)(b) of the BC Act in accordance with the criteria set out in section 21 and the ministerial guidelines. Published under schedule 2 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for endangered fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for endangered flora.

VU Vulnerable species

Threatened species considered to be “*facing a high risk of extinction in the wild in the medium-term future, as determined in accordance with criteria set out in the ministerial guidelines*”.

Listed as vulnerable under section 19(1)(c) of the BC Act in accordance with the criteria set out in section 22 and the ministerial guidelines. Published under schedule 3 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for vulnerable fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for vulnerable flora.

Extinct Species:

EX**Extinct species**

Species where “*there is no reasonable doubt that the last member of the species has died*”, and listing is otherwise in accordance with the ministerial guidelines (section 24 of the BC Act).

Published as presumed extinct under schedule 4 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018* for extinct fauna or the *Wildlife Conservation (Rare Flora) Notice 2018* for extinct flora.

EW**Extinct in the wild species**

Species that “*is known only to survive in cultivation, in captivity or as a naturalised population well outside its past range; and it has not been recorded in its known habitat or expected habitat, at appropriate seasons, anywhere in its past range, despite surveys over a time frame appropriate to its life cycle and form*”, and listing is otherwise in accordance with the ministerial guidelines (section 25 of the BC Act).

Currently there are no threatened fauna or threatened flora species listed as extinct in the wild. If listing of a species as extinct in the wild occurs, then a schedule will be added to the applicable notice.

Specially protected species:

Listed by order of the Minister as specially protected under section 13(1) of the BC Act. Meeting one or more of the following categories: species of special conservation interest; migratory species; cetaceans; species subject to international agreement; or species otherwise in need of special protection.

Species that are listed as threatened species (critically endangered, endangered or vulnerable) or extinct species under the BC Act cannot also be listed as Specially Protected species.

MI**Migratory species**

Fauna that periodically or occasionally visit Australia or an external Territory or the exclusive economic zone; or the species is subject of an international agreement that relates to the protection of migratory species and that binds the Commonwealth; and listing is otherwise in accordance with the ministerial guidelines (section 15 of the BC Act).

Includes birds that are subject to an agreement between the government of Australia and the governments of Japan (JAMBA), China (CAMBA) and The Republic of Korea (ROKAMBA), and fauna subject to the *Convention on the Conservation of Migratory Species of Wild Animals* (Bonn Convention), an environmental treaty under the United Nations Environment Program. Migratory species listed under the BC Act are a subset of the migratory animals, that are known to visit Western Australia, protected under the international agreements or treaties, excluding species that are listed as Threatened species.

Published as migratory birds protected under an international agreement under schedule 5 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

CD**Species of special conservation interest (conservation dependent fauna)**

Fauna of special conservation need being species dependent on ongoing conservation intervention to prevent it becoming eligible for listing as threatened, and listing is otherwise in accordance with the ministerial guidelines (section 14 of the BC Act).

Published as conservation dependent fauna under schedule 6 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

OS**Other specially protected species**

Fauna otherwise in need of special protection to ensure their conservation, and listing is otherwise in accordance with the ministerial guidelines (section 18 of the BC Act).

Published as other specially protected fauna under schedule 7 of the *Wildlife Conservation (Specially Protected Fauna) Notice 2018*.

P**Priority species:**

Possibly threatened species that do not meet survey criteria, or are otherwise data deficient, are added to the Priority Fauna or Priority Flora Lists under Priorities 1, 2 or 3. These three categories are ranked in order of priority for survey and evaluation of conservation status so that consideration can be given to their declaration as threatened fauna or flora.

Species that are adequately known, are rare but not threatened, or meet criteria for near threatened, or that have been recently removed from the threatened species or other specially protected fauna lists for other than taxonomic reasons, are placed in Priority 4. These species require regular monitoring.

Assessment of Priority codes is based on the Western Australian distribution of the species, unless the distribution in WA is part of a contiguous population extending into adjacent States, as defined by the known spread of locations.

P1 Priority One - Poorly-known species

Species that are known from one or a few locations (generally five or less) which are potentially at risk. All occurrences are either: very small; or on lands not managed for conservation, e.g. agricultural or pastoral lands, urban areas, road and rail reserves, gravel reserves and active mineral leases; or otherwise under threat of habitat destruction or degradation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under immediate threat from known threatening processes. Such species are in urgent need of further survey.

P2 Priority Two - Poorly-known species

Species that are known from one or a few locations (generally five or less), some of which are on lands managed primarily for nature conservation, e.g. national parks, conservation parks, nature reserves and other lands with secure tenure being managed for conservation. Species may be included if they are comparatively well known from one or more locations but do not meet adequacy of survey requirements and appear to be under threat from known threatening processes. Such species are in urgent need of further survey.

P3 Priority Three - Poorly-known species

Species that are known from several locations, and the species does not appear to be under imminent threat, or from few but widespread locations 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 locations but do not meet adequacy of survey requirements and known threatening processes exist that could affect them. Such species are in need of further survey.

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 are close to qualifying for vulnerable but are not listed as Conservation Dependent.

(c) Species that have been removed from the list of threatened species during the past five years for reasons other than taxonomy.

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.