# THE NEW FOREST ACT

## APPENDIX

**Replacement of the Private Managed Forest Land Act (PMFLA)**

*Under the New Forest Act Framework*
*Vancouver Island Implementation Brief*

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# APPENDIX: REPLACEMENT OF THE PRIVATE MANAGED FOREST LAND ACT (PMFLA)

## Under the New Forest Act Framework

### Vancouver Island Implementation Brief

The New Forest Act (NFA) establishes a unified legal framework for all forest lands in British Columbia, including lands currently governed by the Private Managed Forest Land Act (PMFLA). The principles, thresholds, and governance structures outlined here are grounded in the core NFA documents and are implemented through binding legislation and regulation. This appendix demonstrates how those existing NFA principles are applied to private forest lands on Vancouver Island. Under the NFA, private land standards are not advisory, instead they are enforceable law.

The public retains rights to safe drinking water, stable slopes, functioning ecosystems, and transparent enforcement. The NFA provides the legal tools under provincial natural resource and administrative law to repeal PMFLA, restructure regulatory authority, and implement enforceable compliance mechanisms.

The Province of British Columbia has clear constitutional authority to regulate natural resource use on private lands in the public interest. Comparable regulatory frameworks already exist in agricultural land use, riparian protection, building codes, and environmental protection statutes.

The Water Sustainability Act provides legislative authority for watershed-level planning and regulation across private and public lands. The NFA operates consistently within this authority, enabling cumulative watershed management regardless of land ownership boundaries.

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# 1. EXECUTIVE BRIEF

### What This Does

Under the New Forest Act, the Private Managed Forest Land Act (PMFLA) is repealed, and its lands are brought under enforceable NFA standards and regulations.

It ensures that private forest lands currently under PMFLA:

- Protect community drinking water

- Operate within ecological limits
- Maintain economic stability
- Are subject to meaningful enforcement and public reporting

## What This Does NOT Do

- It does not expropriate private land.
- It does not prohibit harvesting.
- It does not eliminate forest-based jobs.
- It does not impose public ownership.

## What Changes

- Logging of primary forests ends.
- Watershed risk thresholds (including ECA) become enforceable constraints.
- Selection/partial cutting becomes the default harvest method.
- Preferential tax classification becomes conditional on measurable compliance.
- Routine inspections and public reporting become mandatory.
- A public planning process through Community Forest Boards.
- Local governments gain formal standing in watershed risk review.

**Implementation & Enforcement Capacity**

The NFA rebuilds enforcement capacity across all forest lands, including former PMFL areas. This includes:

- Local inspection presence rather than centralized oversight alone
- Routine compliance inspections (not complaint-driven)
- Public reporting systems (a compliance dashboard)
- Escalating administrative penalties
- Restoration cost recovery
- Preferential tax status tied to compliance

Penalties and restoration cost recovery contribute to funding compliance and monitoring systems. The NFA framework is designed to be staffed, enforceable, and operationally realistic.

## Core Outcomes

1. Safe drinking water
2. Stable slopes and roads
3. Long-term ecosystem integrity
4. Predictable, economically stable forestry

# 2. PROBLEM STATEMENT

Private Managed Forest Land (PMFL) on Vancouver Island is uniquely sensitive because:

- It is often located adjacent to communities.
- It overlaps with community drinking watersheds.
- It includes steep coastal terrain vulnerable to landslides.
- It directly influences flood risk and road stability.

Under the current PMFLA framework:

- Harvesting standards are less comprehensive than those applied to public Crown forest lands and do not require thorough watershed-level planning or cumulative disturbance analysis.
- Local governments have limited authority and cannot use bylaws or permits to restrict forest management activity.
- Enforcement is limited and largely complaint driven.
- Public reporting is minimal.
- Preferential tax status is not directly tied to measurable watershed outcomes.

The result is public controversy, watershed risk, and loss of public confidence in how forest operations are regulated and enforced.

The New Forest Act resolves this by applying enforceable ecological constraints and accountability mechanisms to all forest lands, including private lands currently under PMFLA.

The following standards demonstrate how the NFA applies enforceable ecological constraints to private forest lands previously governed by PMFLA.

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# 3. NFA PRIVATE LAND STANDARDS

## A. Immediate Hard Stops (Effective Upon PMFLA Repeal)

1. **Primary Forest Logging Prohibited**
    - Logging of primary forests is no longer permitted.
2. **Drinking Water Protection**
    - Expanded, enforceable protective buffers and watershed-level disturbance controls around licensed drinking water intakes.
    - Existing licensed drinking water intake protections under PMFLA are expanded under the NFA to include all community use watersheds, including those without

licensed intakes but with downstream residential wells, surface withdrawals, or documented domestic water users.
    - ~~o~~ Enhanced standards for road density and stream crossings in community use watersheds.
    - No harvesting where slope instability poses drinking water risk.
3. **High-Risk Terrain Red Lines**
    - Operations prohibited on slopes exceeding designated hazard thresholds.
    - Mandatory geotechnical review in moderate-risk terrain.
4. **No Net Increase in Watershed Risk**
    - Watershed disturbance thresholds, including Equivalent Clearcut Area (ECA), are established in regulation by the Ministry of Ecosystem Integrity (MOEI) based on hydrological science, terrain stability data, and regional ecological conditions. Thresholds may vary by watershed classification, but once set in regulation they are legally binding. Any adjustment to thresholds requires formal regulatory amendment and public transparency.
    - Where Equivalent Clearcut Area (ECA) exceeds threshold (e.g., ≥35%), new harvesting pauses until recovery or mitigation reduces risk. See requirements below.

**Watershed Data Transparency Requirements**

All private forest landowners must submit standardized watershed disturbance data, including Equivalent Clearcut Area (ECA) calculations, to MOEI on an annual basis.

- ECA methodologies must follow provincially prescribed standards, including the 2020 Standards for Assessing the Condition of Aquatic Ecosystems under BC's Cumulative Effects Framework.
- Submitted data will be publicly available through the compliance dashboard.
- Where ECA data is incomplete at the time of PMFLA repeal, landowners must submit calculated values within six months. Until submitted, new harvesting approvals may be temporarily restricted in designated community watersheds.

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# B. Default Operating Standard

1. **Selection / Partial Cutting as Default**
    - Continuous-cover forestry becomes standard.
    - Clearcutting allowed only under narrow, regulated exception.
2. **Landscape-Level Planning Required**

    - Operations are assessed within full watershed context through Community Forest Board - coordinated planning processes that integrate public and private forest lands under the NFA.
    - Community Forest Boards develop transparent watershed-scale development maps (e.g., 5-year proposed harvesting plans) that identify cumulative disturbance, ecological protection zones, and spatial sequencing of activities across both public and private lands.
3. **Road and Stream Crossing Standards**
    - Maximum road density limits expressed as kilometres of road per square kilometre (km/km²), aligned with standards applied on public Crown land.
    - Maximum road width standards equivalent to those applied on public Crown land.
    - Mandatory deactivation of inactive roads.
    - Upgraded stream crossing engineering standards.

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## C. Ecological Constraint Thresholds

When watershed disturbance indicators approach or exceed regulatory thresholds, a structured review process is triggered.

**Watershed Risk Review Process Includes:**

1. Technical assessment by MOEI hydrology and terrain specialists
2. Notification to affected local governments and Community Forest Boards
3. Public posting of watershed status
4. Temporary pause on new harvest approvals within affected sub-basins
5. Requirement for a mitigation or restoration plan

Enhanced review means that harvesting proposals are evaluated within full watershed context rather than property boundaries alone. Approval decisions must demonstrate no net increase in watershed risk before proceeding.

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# 4. GOVERNANCE STRUCTURE

## Ministry of Ecosystem Integrity (MOEI)

- Sets enforceable regulations, standards, and thresholds
- Issues stop-work and restoration orders.

- Conducts inspections.
- Publishes compliance dashboard.
- Issues and enforces escalating penalties.

## Community Forest Boards (CFBs)

- Coordinate watershed-scale planning across public and private forest lands, including tree harvesting activities.
- Identify watershed risk priorities
- Provide formal written input on high-risk proposals
- Trigger formal watershed risk flags
- Recommend restoration sequencing and priority areas
- Receive written responses from MOEI explaining how recommendations were addressed

## Local Governments

- Formal standing in watershed risk reviews that identify risks (drinking water, roads, emergency risk).
- Authority to submit drinking water and hazard evidence to MOEI process.
- Receive written responses from MOEI.

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# 5. ENFORCEMENT & COMPLIANCE

Under NFA:

- Routine inspections are mandatory (not just complaint-driven).
- Violations are publicly reported (public compliance dashboard is created).
- Stop-work authority is immediate.
- Restoration orders are enforceable.
- Penalties escalate for repeat offenders.
- Preferential tax classification is revoked for non-compliance.

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# 6. TAX AND INCENTIVE REDESIGN

To support orderly transition from PMFLA to the NFA framework, a Transitional Enhanced Stewardship Classification may be established. This classification provides a modest additional

tax reduction (for example, an additional 5% beyond current managed forest classification levels) for landowners who meet and maintain full NFA compliance standards.

Managed Forest classification under the NFA becomes conditional and performance-based.

## Base Stewardship Classification

Landowners who comply with NFA private land standards retain preferential forest land tax status.

To maintain this classification, landowners must:

- Meet ecological protection requirements: including protecting all primary forest and designated Protection Zones identified through Community Forest Board planning processes (such as wildlife corridors, sensitive habitat, and high-risk watershed areas).
- Meet reforestation success benchmarks.
- Maintain riparian protection compliance.
- Meet road density and stream crossing standards.
- Respect watershed disturbance thresholds (ECA and related risk constraints).
- Maintain a clean compliance record.

## Enhanced Stewardship Incentive (Transitional)

To support transition from PMFLA to the NFA framework, an Enhanced Stewardship Classification may be offered.

Landowners who:

- Voluntarily enroll early,
- Demonstrate full compliance,
- Complete required restoration in over-threshold watersheds,
- Maintain no major violations,

may qualify for a modest additional tax reduction (e.g., 5% beyond existing managed forest classification).

This incentive:

- Is conditional on continued compliance.
- Can be suspended upon violation.
- Is subject to periodic provincial review.
- Reflects the public benefit of reduced watershed risk and avoided infrastructure costs.

## Non-Compliance Results In:

- Suspension or removal of preferential tax status.
- Administrative penalties.
- Mandatory restoration orders.
- Public reporting of violations.

Under the NFA, tax benefits are tied directly to measurable ecological and watershed performance.

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# 7. TRANSITION PLAN

## Phase 0 (Day 1–90)

- PMFLA repealed and replaced by NFA.
- Hard stops active.
- ECA/risk screening begins.
- Interim compliance authority active.

## Phase 1 (Year 1)

- Property-level plans required for operations.
- Priority watersheds reviewed first (those over thresholds).
- Inspection regime implemented.

## Phase 2 (Years 2–5)

- Full integration into NFA governance structure.
- Restoration backlog programs begin.
- Monitoring and compliance reporting fully operational.

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# 8. SIDE-BY-SIDE COMPARISON

| Issue | PMFLA | NFA Replacement |
|---|---|---|
| Planning Unit | Property-based | Watershed-based (CFBs perform transparent planning for private and public land together) |
| Default Harvest | Clearcut permissible | Selection/partial cutting default |

| Issue | PMFLA | NFA Replacement |
|---|---|---|
| Primary Forest | Logging allowed | Logging prohibited |
| Drinking Water | Limited safeguards | Enforceable red lines |
| Road Density | Weak limits | Enforceable caps |
| Enforcement | Limited inspections | Routine inspections + stop-work |
| Public Reporting | Minimal | Mandatory transparent compliance dashboard |
| Tax Status | Automatic if enrolled | Conditional on performance |

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# 9. VANCOUVER ISLAND WORKED EXAMPLE (Template)

## Vancouver Island Worked Example

"Marmot Meadows" is a fictional watershed used to illustrate how the New Forest Act framework would apply to private forest lands currently under PMFLA within a Vancouver Island community watershed. This scenario demonstrates function only and does not refer to any specific landowner.

### 1. Baseline Conditions

- Large, contiguous blocks of privately owned forest land.
- Located directly upslope from a town's drinking water intake.
- Steep terrain with known slope instability zones.
- High road density from historical harvesting.
- Equivalent Clearcut Area (ECA) at or above 35 percent in portions of the watershed.
- Clearcut harvesting remains legally permissible under the current PMFLA regime.

Community concerns include:

- Drinking water turbidity after storms.
- Elevated landslide risk.
- Flooding and peak flow increases.
- Lack of meaningful local input into forest operations.

Under PMFLA, planning is largely property-based, not watershed-based. Local governments have limited authority. Enforcement is reactive.

### 2. PRH Framing on Private Land

Under the New Forest Act, this landscape would be reorganized under the Protect–Restore–Harvest (PRH) framework.

**Protect Zone**

Areas designated for protection would include:

- Drinking water intake zones and immediate upstream slopes.
- High-risk terrain prone to mass wasting.
- Primary forests with intact structure.
- Critical riparian corridors.

In Protect areas:

- No harvesting.
- Road construction prohibited.
- Restoration of legacy roads prioritized.

**Restore Zone**

Areas with:

- Excessive road density.
- Over-threshold ECA.
- Hydrologic instability.
- Fragmented forest structure.

In Restore areas:

- No additional disturbance until thresholds improve.
- Active road deactivation.
- Reforestation and stand rehabilitation.
- Watershed recovery prioritized before new harvest.

**Harvest Zone**

Lower-risk areas where:

- ECA is below threshold.
- Terrain stability is moderate to low risk.
- Road density is within limits.

In Harvest areas:

- Selection or partial cutting becomes default.
- Clearcutting not permitted.
- Retention-based silviculture required.
- Watershed-level review applies before approval.

The PRH structure ensures harvesting continues where ecologically appropriate, while protecting and restoring areas critical to public safety.

**3. ECA-Triggered Transition (≥35 Percent Threshold)**

Where watershed ECA meets or exceeds 35 percent:

- Immediate classification as “Urgent Stabilization.”
- New harvest approvals paused in affected sub-basins.
- Mandatory restoration plan required.
- Road deactivation accelerated.
- Monitoring frequency increased.
- Hydrologic recovery benchmarks established before operations resume.

This does not permanently shut down forestry.  It stabilizes risk before further disturbance occurs.

Once ECA drops below threshold and recovery indicators improve, controlled harvesting may resume under selection standards.

**4. What Changes Immediately vs. What Phases**

**Immediate Changes (Day One After PMFLA Repeal)**

- Logging of primary forests prohibited.
- Watershed risk screening applied to all new operations.
- Drinking water intake buffers expanded.
- Road construction prohibited in high-risk terrain.
- ECA ≥35 percent triggers stabilization rules.
- Stop-work authority active.

**Phase 1 (Year One)**

- Property-level management plans aligned with watershed-level constraints.
- Road density caps enforced.
- Mandatory geotechnical review in moderate-risk slopes.
- Public compliance reporting begins.

**Phase 2 (Years 2–5)**

- Restoration backlog addressed.
- Watershed ECA reduced below risk thresholds.
- Selection forestry becomes normalized practice.
- Monitoring and inspection system fully operational.

**5. Outcome Under NFA**

Under this framework:

- Private ownership remains intact.
- Harvesting continues in designated zones.
- Drinking water risk is reduced.
- Landslide and flood risk declines.
- Road density decreases over time.
- Enforcement is transparent and consistent.
- Preferential tax classification depends on compliance.

The watershed transitions from unmanaged cumulative risk to managed ecological stability.

This example demonstrates how the New Forest Act applies practical ecological constraints to private lands while maintaining economic activity.

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# 10. ACTION TOOLS

## Template Council Motion

THAT Council endorse the application of the New Forest Act framework to replace the Private Managed Forest Land Act;
AND THAT Council request the Province implement enforceable watershed protection standards, routine inspections, and performance-based tax classification on private forest lands;
AND THAT Council request the Province establish a formal Watershed Risk Flag process, whereby if a community watershed meets or exceeds regulatory disturbance thresholds, new harvest approvals pause pending mitigation or restoration.

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## Template MLA Briefing Request

“I am requesting a formal briefing on how the New Forest Act framework will replace the PMFLA and implement enforceable ecological thresholds on private forest lands, particularly in community use drinking watersheds.”

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## Frequently Asked Questions

**Is this expropriation?**
No. Ownership remains private. Standards change.

**Will harvesting stop?**

On primary forests - yes.
On second or subsequent growth – no. It continues within ecological limits.

**What about jobs?**
The forestry model required under the NFA prioritizes longer rotations, ecological protection, restoration, monitoring, and compliance oversight. This approach supports more stable, skilled employment over time compared to high-volume industrial harvesting cycles.

**Is this legal?**
Yes. Governments routinely regulate private land use in the public interest (ALR, building codes, riparian zones).

**Is this unfair to private landowners who currently receive preferential tax status?**

No. Preferential tax classification remains available. However, under the NFA it becomes conditional on measurable stewardship outcomes. Public tax benefits are tied to compliance with watershed protection, reforestation success, and disturbance thresholds. Tax incentives continue but only when public-interest standards are met.

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# CLOSING STATEMENT

Replacing the PMFLA under the New Forest Act restores balance:

Private rights remain.
Public safety is protected.
Ecological limits are enforced.
Economic stability is maintained.

This is structural reform, not symbolic adjustment.