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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 23

(2006, chapter 14)

**An Act to ensure the enlargement  
of Parc national du Mont-Orford,  
the preservation of the biodiversity  
of adjacent lands and the maintenance  
of recreational tourism activities**

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**Introduced 3 May 2006**

**Passage in principle 7 June 2006**

**Passage 13 June 2006**

**Assented to 13 June 2006**

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## **EXPLANATORY NOTES**

*This bill changes the boundaries of Parc national du Mont-Orford to exclude the ski centre and golf course lands. It provides for the sale of those lands by public tender and enables Municipalité régionale de comté de Memphrémagog to propose to the Minister a recreational tourism project that is consistent with the provisions of the bill and that has been approved by at least three bodies representative of regional organizations. If the project is consistent, the elements needed to implement it are to be incorporated into the tender documents.*

*Under the bill, the proceeds of the alienation of the lands excluded from the park are to be paid into the Green Fund and allocated to the funding of the acquisition of areas representative of the natural region of the Sutton mountains and the secondary mountain ranges of Estrie, Beauce and Bellechasse, with a view to their future inclusion within the boundaries of the park, and to the funding of park enhancement work. The bill also empowers the Minister of Sustainable Development, Environment and Parks to enlarge the park boundaries.*

*In addition, the bill introduces restrictions on the development of the lands excluded from the park in order to protect their biodiversity and preserve landscapes. Residential construction and the construction of works, structures and facilities, as well as forest management activities on the skiable terrain, are made subject to the Environment Quality Act.*

*Lastly, the bill sets out penal and administrative penalties for non-compliance with the law, as well as consequential amendments.*

## **LEGISLATION AMENDED BY THIS BILL:**

– Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (R.S.Q., chapter M-15.2.1).

## **Bill 23**

### **AN ACT TO ENSURE THE ENLARGEMENT OF PARC NATIONAL DU MONT-ORFORD, THE PRESERVATION OF THE BIODIVERSITY OF ADJACENT LANDS AND THE MAINTENANCE OF RECREATIONAL TOURISM ACTIVITIES**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

##### **PURPOSE**

**1.** The purpose of this Act is to better ensure the conservation and permanent protection of areas representative of the Sutton mountains and the secondary mountain ranges of Estrie, Beauce and Bellechasse.

It provides in particular for

(1) the enlargement of the boundaries of Parc national du Mont-Orford (the park) to include neighbouring areas recognized for their ecological and biodiversity interest;

(2) the exclusion from the boundaries of the park of certain lands that are at variance with the park's conservation mission owing to their recreation-intensive use and the presence of elaborate equipment;

(3) the disposition of the lands excluded from the boundaries of the park and the allocation of the proceeds of the sale to the funding of acquisitions intended to enlarge the park and to the enhancement of the park; and

(4) the introduction of restrictions on the development of the excluded lands, in particular as regards the use and the disposition of such lands, in order to give special attention to the use to which those lands are put and ensure that it is consistent with the protection to be afforded lands within the park boundaries.

## **CHAPTER II**

### **NEW BOUNDARIES OF THE PARK**

#### **DIVISION I**

##### **EXCLUSION OF CERTAIN LANDS**

**2.** The lands described in Schedule A and shown on the plan prepared by Pierre Bernier, land surveyor, on 1 June 2006 under number 1759 of his minutes, as reproduced in Schedule B, are excluded from the boundaries of the park. Those lands are occupied by the Mont-Orford ski centre and golf course.

**3.** Despite section 5.1 of the Parks Act (R.S.Q., chapter P-9), the lands so excluded from the boundaries of the park are under the authority of the Minister of Sustainable Development, Environment and Parks.

The Minister exercises in respect of those lands, including the buildings, improvements and movable property situated on them and forming part of the domain of the State, the rights and powers inherent in the right of ownership, including the right to dispose of or alienate the lands, despite the restrictions set out in section 13.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (R.S.Q., chapter M-15.2.1).

Any sale of lands referred to in section 2 or of property referred to in the second paragraph must be in compliance with Chapter III.

#### **DIVISION II**

##### **DESCRIPTION OF THE BOUNDARIES OF THE PARK**

**4.** Section 1 of the Regulation respecting the Parc national du Mont-Orford, enacted by Order in Council 567-83 (1983, G.O. 2, 1399) is replaced by the following section:

“1. The territory described in Schedule A constitutes Parc national du Mont-Orford. The plan of the park is shown in Schedule B.”

**5.** Schedule A to the Regulation is replaced by the schedules in Schedule C to this Act.

**6.** Section 6 of the Parks Regulation, enacted by Order in Council 838-2000 (2000, G.O. 2, 3556) is amended by striking out “Route 141 or” in paragraph 1.

**7.** Schedule 5 to the Regulation is replaced by the schedule in Schedule D to this Act.

## **DIVISION III**

### **ENLARGEMENT OF THE PARK**

**8.** Despite section 4 of the Parks Act (R.S.Q., chapter P-9), the Minister may make a regulation changing the boundaries of the park in order to include any area representative of the natural region of the Sutton mountains and the secondary mountain ranges of Estrie, Beauce and Bellechasse that the Minister acquires under section 2.1 of the Parks Act, in particular, the lands referred to in Order in Council 288-2006 (2006, G.O. 2, 1781, in French) concerning the establishment of a reserve for public purposes on certain immovables and the expropriation of the immovables for the enlargement of the park.

From the date on which the lands acquired by the Minister are included within the boundaries of Parc national du Mont-Orford under a regulation made under the first paragraph, and until the Government has exercised its powers under section 9 or 9.1 of the Parks Act in respect of those lands, the latter are deemed to constitute a preservation zone within the meaning of section 2 of the Parks Regulation, enacted by Order in Council 838-2000 (2000, G.O. 2, 3556).

A regulation under the first paragraph takes effect on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* or on a later date specified in the regulation.

**9.** On or before 13 June 2008, or, if the Assembly is not sitting, within 15 days of resumption, the Minister reports to the National Assembly on the acquisitions for the purpose of enlarging the park that have been completed or are underway.

## **CHAPTER III**

### **SALE OF SKI CENTRE AND GOLF COURSE LANDS**

**10.** This chapter applies to the sale by the Minister of the lands referred to in section 2 and of the buildings, improvements and movable property situated on them and forming part of the domain of the State.

However, it does not apply to the movable and immovable property which, on 13 June 2006, belongs to the lessee under the lease made before Louis Jeannotte, notary, under number 1486 of his minutes and registered at the registry office of the registration division of Sherbrooke on 16 January 2006 under number 12 991 241.

**11.** Any sale under this chapter must be made by public tender.

**12.** The tender documents must set out the conditions for acceptance of a tender and for the award of the sale, the rules governing the receipt and opening of tenders and their compliance, any movable and immovable property excluded from the sale, the residual value of the movable and immovable

property that the acquirer must acquire under section 31, as determined under section 30, or an estimate of that residual value, and the price determined under section 14 below which a tender will not be considered.

In addition, the tender documents must stipulate

(1) that the act evidencing the transfer of ownership will include any provision needed to establish real servitudes, granted by gratuitous title by the acquirer for the benefit of the park as the dominant land, the site of the servient land and conditions of which are specified in the tender documents and the purpose of which is to allow

(a) the maintenance of and access to the communication equipment situated at the summit of Mont Orford, shown as zones B-1 and B-2 in Schedule B;

(b) the maintenance of and access to existing hiking trails;

(c) the maintenance of the municipal waterworks along Route 141, shown as zone B-3 in Schedule B; and

(d) the maintenance of the water levels required to maintain the biological productivity of Étang aux Cerises and Rivière aux Cerises; water-level elevation specifications are to be determined by the Minister in the tender documents;

(2) that all costs relating to the execution and registration of the notarial deed of sale are to be paid by the acquirer; and

(3) that the acquirer is required to operate the ski centre and the golf course for the period specified in the tender documents.

The tender documents may set any additional condition or requirement that the Minister considers necessary, including the obligation for the acquirer to grant the Minister a right of pre-emption or to grant any additional conservation servitude or right for the benefit of a conservation organization or municipality designated by the Minister, and provide for guarantees and penalties to ensure compliance with those conditions and obligations, including the obligation to operate the ski centre and the golf course.

**13.** Municipalité régionale de comté de Memphrémagog has 75 days from 13 June 2006 to propose to the Minister a recreational tourism project consistent with the provisions of this Act and approved by at least three bodies representative of regional organizations. After the expiry of that period, any proposal by the municipality is inadmissible.

If the Minister is of the opinion that the recreational tourism project is consistent with the provisions of this Act and ensures the continued operation of the ski centre and the golf course, the Minister incorporates the elements needed to implement the project into the tender documents.

The bids must then be evaluated according to a weighting and evaluation system under which each bid obtains a score based on both price and the quality of the project submitted in relation to the recreational tourism project proposed by the regional county municipality. The tender documents must specify the requirements and criteria that will be used to evaluate the bids, as well as the weighting and evaluation methods premised on those criteria.

To analyze the bids, the Minister forms an evaluation committee consisting of at least three members, one of whom must come from the regional county municipality. The committee must

- (1) evaluate individually each bid that satisfies the rules governing the receipt of tenders and their compliance, without knowing the price tendered;
- (2) assign points to each bid for each criterion;
- (3) calculate an interim score for each bid by adding up the points assigned for each criterion;
- (4) with respect to envelopes containing the price tendered, open only those submitted by tenderers whose bid has obtained an interim score of at least 70 and return the other envelopes, unopened, to the sender despite any provision concerning the public opening of bids; and
- (5) calculate the final score for each bid that obtained an interim score of at least 70, by dividing the product of the interim score plus 50 and 10,000 by the proposed price.

A member of the evaluation committee may not be prosecuted for acts performed in good faith in the exercise of the functions of office.

**14.** Subject to the second paragraph, the sale is awarded to the highest compliant tenderer. If two or more tenderers offer the same price, the sale is awarded by a drawing of lots.

If the bids submitted must take into consideration the elements of a recreational tourism project provided for in section 13, the sale is awarded to the tenderer whose bid obtained the best final score.

No sale may be awarded at a price that is below the market value determined by the Minister according to generally recognized property assessment techniques.

**15.** The proceeds from the sale of the lands, buildings, improvements, and movable property under this chapter and the income derived from the investment of those sums are paid into the Green Fund established under section 15.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (R.S.Q., chapter M-15.2.1).

## **CHAPTER IV**

### **SPECIAL PROTECTION REGIME FOR CERTAIN LANDS**

#### **DIVISION I**

##### **GENERAL PROVISIONS**

**16.** For the purposes of this chapter, “operator” includes the owner of lands or facilities.

**17.** In order to ensure that certain activities may be continued or carried on on the lands described in Schedule A without undermining the preservation of biodiversity and existing landscapes, only the uses and structures described in Divisions II to IV are permitted, and they are subject to the limitations provided in those divisions as well as to the limitations prescribed under Division V.

#### **DIVISION II**

##### **RESIDENTIAL ZONE**

**18.** In zone B-4 shown in Schedule B, all uses and structures, according to the subdivision of the zone, are subject to the following limitations:

- (1) only the uses set out in Schedule E are permitted; and
- (2) the structures and work permitted must meet the criteria set out in Schedule E.

Furthermore, the construction of residential, rental or resort units is prohibited outside zone B-4 shown in Schedule B. All construction or development work is also prohibited within a 30-metre protected zone along each side of Ruisseau Castle, measured from the high-water line.

The Minister may make a regulation amending Schedule E as regards both the uses set out in that schedule and the criteria applicable to the structures and work permitted in that zone.

#### **DIVISION III**

##### **SKI CENTRE ZONE**

**19.** Without restricting any other requirement or authorization under applicable legislation, regulations or by-laws, the operation of the ski centre is subject to the following limitations:

- (1) it is limited to zone B-5 shown in Schedule B;



(2) the operator is required to implement environmental management of the skiable terrain so that the use of the land does not undermine the conservation and protection of adjacent lands within the park boundaries, or the conservation and protection of the skiable terrain;

(3) within six months after the date of the sale by the Minister of the lands described in Schedule A, and every five years after that date, the operator must prepare a five-year environmental management plan for the entire skiable terrain, and submit it to the Minister for approval. The plan must specify the measures that will be implemented to protect the landscape, peaks, wetlands and watercourses, and preserve biodiversity, as well as those that will be implemented to encourage the revegetation of trails, manage and preserve water quality, and protect the night sky against light pollution created by outdoor lighting equipment. In addition, the first five-year plan must include a rehabilitation plan for degraded natural areas of the skiable terrain involving minimum annual investment commitments of one million dollars.

Furthermore, the plan must provide for a protected zone at least 30 metres wide, measured from the high-water line, along each side of the part of Orford, Giroux and Castle streams that is on the skiable terrain, within which there may be no new development work, except work for the purpose of restoring or protecting that area.

If a conservation servitude is granted to a conservation organization under section 12, the Minister must consult the organization before approving such a plan. The organization has 60 days to submit its recommendations to the Minister. If the organization does not act before the expiry of that period, it is deemed to be favourable to the plan;

(4) the construction of any building or facility other than those normally required to operate a ski centre is prohibited. However, basic facilities for picnicking, hiking, horseback riding, hang gliding, parasailing, mountain climbing and cycling are permitted, but facilities for mountain biking are not. Moreover, no buildings other than those related to user safety are permitted elsewhere than at the foot of the slopes.

## **DIVISION IV**

### **GOLF COURSE ZONE**

**20.** Without restricting any other requirement or authorization under applicable legislation, regulations or by-laws, the operation of a golf course is subject to the following limitations:

(1) it is limited to zone B-6 shown in Schedule B;

(2) the operator is required to implement environmental management of the golf course so that the use of the land does not undermine the conservation and protection of adjacent lands within the park boundaries, or the conservation and protection of the golf course land;

(3) within six months after the date of the sale by the Minister of the lands described in Schedule A, and every five years after that date, the operator must prepare a five-year environmental management plan for the entire area covered by the golf course, and submit it to the Minister for approval. The plan must specify the measures that will be implemented to protect the wetlands and watercourses, and preserve biodiversity, as well as those that will be implemented to manage and preserve water quality, limit the negative impacts of the use of fertilizer and pesticides, and protect the night sky against light pollution created by outdoor lighting equipment.

Furthermore, the plan must provide for a protected zone at least 30 metres wide, measured from the high-water line, along each side of Ruisseau de la Cuvette, Rivière aux Cerises and the north part of Ruisseau du Grand-Rocher, within which there may be no new development work, except work for the purpose of restoring or protecting that area.

If a conservation servitude is granted to a conservation organization under section 12, the Minister must consult the organization before approving such a plan. The organization has 60 days to submit its recommendations to the Minister. If the organization does not act before the expiry of that period, the organization is deemed to be favourable to the plan;

(4) the construction of any building or facility other than those normally required to operate a golf course is prohibited.

## **DIVISION V**

### **APPLICATION OF THE ENVIRONMENT QUALITY ACT**

**21.** Despite any provision to the contrary,

(1) all work relating to the construction of a building referred to in sections 18 to 20 and the prior, simultaneous or subsequent construction or enlargement of accessory works, structures or facilities, such as a parking area, service area or garage, including the related landscaping work, and

(2) all forest management activities within the meaning of section 3 of the Forest Act (R.S.Q., chapter F-4.1) on the skiable terrain,

are deemed likely to result in a change in the quality of the environment and are subject to section 22 of the Environment Quality Act (R.S.Q., chapter Q-2).

In addition to considering any factor that is relevant under section 22 of the Environment Quality Act, the Minister, before issuing an authorization under that section for work or activities described in the first paragraph, must ensure that they are in compliance with sections 17 to 20, as applicable. Moreover, if the Minister considers it necessary to ensure enhanced protection of the environment, the authorization may be made conditional on the applicant's meeting standards different from those prescribed in those sections.

Before issuing an authorization for work described in subparagraph 1 of the first paragraph, the Minister must consult the local municipality concerned. The same applies each time the Minister is about to amend such an authorization.

The municipality has 60 days to submit its recommendations to the Minister. If the municipality does not act before the expiry of that period, it is deemed to be favourable to the work.

The Minister may require an applicant to provide any information, document, study or expert assessment that the Minister considers necessary to examine the application or to make the issue of an authorization subject to appropriate conditions.

**22.** The Environment Quality Act (R.S.Q., chapter Q-2) applies, with the necessary modifications, to the work or activities described in section 21, and to the related applications for authorization and certificates of authorization. Without restricting the generality of the preceding sentence, sections 23, 24, 25, 106, 107, 113, 114, 122.1, 122.2 and 123.1, and the other sections of Divisions XI, XIII and XIV of Chapter I of that Act, apply to such work, activities, applications for authorization, and certificates of authorization.

Those provisions also apply, with the necessary modifications, to applications for approval and to the approval by the Minister of environmental management plans required under section 19 or 20, which applications and approvals are to be respectively considered for that purpose as applications for authorization and certificates of authorization within the meaning of sections 22 to 24 of the Environment Quality Act.

## **CHAPTER V**

### **PENAL PROVISIONS**

**23.** Any person who contravenes any of sections 17 to 20 or the fifth paragraph of section 30 is guilty of an offence and is liable to the penalty prescribed in section 106 of the Environment Quality Act (R.S.Q., chapter Q-2).

Moreover, sections 109.1.1 and 109.1.2 of that Act apply, with the necessary modifications, if a person is convicted of an offence under this section.

**24.** Public servants and wildlife protection officers who are authorized to see to the enforcement of the Environment Quality Act (R.S.Q., chapter Q-2) are automatically authorized to see to the enforcement of this Act.

In the exercise of their functions, they are vested with the powers provided for in sections 119 to 121 of the Environment Quality Act, with the necessary modifications.

**25.** Any person who does or does not do something in order to assist another person in the commission of an offence under this Act, or who advises, encourages or incites another person to commit such an offence is also guilty of the offence and is liable to the same penalty as the other person.

**26.** If an offence under section 23 continues for more than one day, it constitutes a separate offence for each day during which it continues.

The penalty prescribed in the first paragraph of section 23 applies to such offences.

**27.** Penal proceedings for offences under this Act are prescribed two years after the commission of the offence.

However, in the case of false representations made to the Minister or to a public servant or officer referred to in section 24, penal proceedings are prescribed two years after the time those persons become aware of the facts giving rise to the proceedings.

## **CHAPTER VI**

### **AMENDING AND FINAL PROVISIONS**

**28.** The Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (R.S.Q., chapter M-15.2.1), amended by section 26 of chapter 3 of the statutes of 2006, is again amended by inserting the following section after section 15.2:

**“15.2.1.** In managing the Fund, the Minister sees to it that the sums from the sale of lands, buildings, improvements and movable property under Chapter III of the Act to ensure the enlargement of Parc national du Mont-Orford, the preservation of the biodiversity of adjacent lands and the maintenance of recreational tourism activities (2006, chapter 14) are allocated first to the funding of the acquisitions the Minister may make under the first paragraph of section 2.1 of the Parks Act (chapter P-9) for the purpose of enlarging Parc national du Mont-Orford, and second, to the funding of parkland enhancement work in that park.”

**29.** Section 15.4 of the Act is amended by inserting the following paragraph after paragraph 8:

“(8.1) any other sum provided for by law, in particular the sums provided for by section 15 of the Act to ensure the enlargement of Parc national du Mont-Orford, the preservation of the biodiversity of adjacent lands and the maintenance of recreational tourism activities (2006, chapter 14);”.

**30.** The lease referred to in section 10 does not lapse as a result of the exclusion of the lands to which it applies from the boundaries of the park. The lease must be read with such modifications as are necessary to reflect the fact

that, as of 13 June 2006, the Parks Act (R.S.Q., chapter P-9) no longer applies to the leased lands.

However, as of 13 June 2006, the lands described in Schedule A to this Act are deemed to be the leased lands, with no change in the amount of the rent specified in the lease, or compensation. To that end, Schedules A and B to this Act replace the descriptions contained respectively in section 1.1 and Schedule A to the lease.

Despite any provision of the lease, the lessee is required to send an updated inventory of the assets described in section 20 of the lease to the Minister on or before 28 June 2006. If the lessee fails to send the Minister an updated inventory in compliance with the prescriptions of the lease within that time, the Minister may draw up the inventory in the lessee's place and at the lessee's expense. Moreover, in such a case or in the case of a disagreement with the lessee on the acquisition cost or the residual value of the assets, the Minister may estimate the acquisition cost and determine the net residual value of the assets. That inventory, including the estimated acquisition cost and net residual value of the assets, prevails over any other for the purposes of section 31.

Moreover, sections 5 and 8 of the lease cease to have effect on 13 June 2006.

Until the environmental management plans for the skiable terrain and the golf course land, required under sections 19 and 20 of this Act respectively, have been approved by the Minister, any work or capital investment not related to environmental maintenance or remediation, or not required to ensure or maintain the safety of equipment, is prohibited in the ski centre and golf course zones.

**31.** Despite article 1886 of the Civil Code, the sale of lands under Chapter III of this Act terminates the lease referred to in section 10 by operation of law, without recovery of the rent paid and without compensation, as of the date on which the deed of sale is registered in the land register, except as regards the surface right stipulated in that lease, which subsists until the movable and immovable property described in the second paragraph is acquired under that paragraph.

The acquirer of the lands must, without delay, acquire the aggregate of the lessee's movable and immovable property appearing in the inventory of assets made under section 30, the lessee being required to transfer that property to the acquirer for an amount equal to the net residual value determined on the date of sale in accordance with section 22 of the lease, or, if applicable, determined by the Minister under section 30.

Furthermore, the lessee and the new acquirer must draw up a memorandum of adjustments to reflect the operating income and expenses of the ski centre or the golf course, as the case may be, on the date of the sale in proportion to the number of months of operation remaining on that date in relation to the normal length of the operating season. If there is a disagreement between the

parties on the adjustments required, the Minister must appoint an expert after consulting the parties; the adjustments determined by the expert may not be appealed. The costs of the expert appraisal are borne in equal shares by the parties.

**32.** If, at the end of the tendering process provided for in Chapter III of this Act, the lessee that is party to the lease referred to in section 10 becomes the acquirer of the lands excluded from the park, section 31 becomes non-applicable, and the deed of sale effects confusion within the meaning of article 1683 of the Civil Code; as a result, no compensation or indemnity is paid or payable to the lessee for the assets described in section 20 of the lease.

**33.** The acquirer of the lands referred to in section 2 is granted authorization to maintain and use a water main, on the same conditions and for the same period as those specified in section 7 of the lease, subject to water levels in Étang aux Cerises and Rivière aux Cerises being maintained as prescribed in the deed recording the servitude referred to in the second paragraph of section 12 of this Act.

**34.** Section 8 of the Regulation respecting the application of the Environment Quality Act enacted by Order in Council 1529-93 (1993, G.O. 2, 5996) does not apply to an application for a certificate of authorization for work or activities described in subparagraph 1 or 2 of the first paragraph of section 21, or to an application for approval of an environmental management plan required under section 19 or 20.

**35.** This Act overrides any provision of an interim control resolution or by-law, a municipal zoning, subdivision or building by-law, a by-law or regulation relating to building permits, a by-law or regulation relating to comprehensive development programs, or a by-law or regulation relating to site planning and architectural integration programs with regard to the structures or construction work described in subparagraph 1 of the first paragraph of section 21. Moreover, any provision of a municipal by-law, including a by-law with respect to the environment, that pertains to the same matter as a provision of this Act or a provision of an authorization issued under this Act or that is inconsistent with such a provision, is inoperative with respect to such structures or work.

Work and structures referred to in the first paragraph and carried out or built in compliance with the requirements of this Act may not be the subject of a remedy or penalty provided for in Title III of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) or be the subject of other civil or penal proceedings for non-compliance with the resolutions, by-laws or regulations referred to in the first paragraph.

The second paragraph does not affect or restrict the application of the Environment Quality Act (R.S.Q., chapter Q-2), including any remedy or penalty provided for in that Act.

**36.** Section 2, solely as regards the holder of regulatory power, and section 4 of the Parks Act (R.S.Q., chapter P-9) do not apply to the changes to the park boundaries made by sections 2 and 4 or under section 8 of this Act. Nor do sections 2, 4 and 9 of the Parks Act apply to the changes in the park zoning made by section 7 of this Act.

**37.** The Minister of Sustainable Development, Environment and Parks is responsible for the administration of this Act.

**38.** This Act comes into force on 13 June 2006.

**SCHEDULE A**  
(Section 2)

**LANDS EXCLUDED FROM THE BOUNDARIES OF PARC NATIONAL  
DU MONT-ORFORD**

**TECHNICAL DESCRIPTION**

Note

In this technical description, it is understood that when a perimeter is said to follow a watercourse or skirt a lake, the perimeter always follows or skirts the outer limit of the shore or bank, that is, the high water line, unless otherwise indicated.

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A territory situated in the municipality of Canton d'Orford, Austin and Ville de Magog in Municipalité régionale de comté de Memphrémagog, containing a total of 458.86 hectares and described as follows:

1st perimeter

Commencing at a point being the northeastern corner of lot 3 277 607 of the cadastre of Québec;

Thence northerly in a straight line to a point whose coordinates are:

5 019 570.98 m N and 405 752.89 m E;

Thence westerly in a straight line for a distance of 1,061.318 metres on a bearing of 257°57'42";

Thence northwesterly in a straight line for a distance of 195 metres on a bearing of 310°00';

Thence southwesterly in a straight line for a distance of 315 metres on a bearing of 195°00';

Thence westerly in a straight line for a distance of 225 metres on a bearing of 275°00';

Thence northerly in a straight line for a distance of 156.80 metres on a bearing of 348°46'56";

Thence northwesterly in a straight line for a distance of 560 metres on a bearing of 285°00';



Thence southwesterly in a straight line for a distance of 285 metres on a bearing of 255°00';

Thence northerly in a straight line for a distance of 100 metres on a bearing of 355°00';

Thence northeasterly in a straight line for a distance of 95 metres on a bearing of 75°00';

Thence northeasterly in a straight line for a distance of 215 metres on a bearing of 35°00' to a point whose coordinates are:

5 019 715.62 m N and 403 619.52 m E;

Thence northwesterly in a straight line to the southeastern corner of the site occupied by the Société de télédiffusion du Québec and shown on the plan prepared by Mr. Denis Ouellet, Land Surveyor, on 8 November 1976. The plan is kept in the archives of the Bureau de l'arpenteur général du Québec under number Plan Canton 1354A and 1354B;

Thence westerly and northerly along the perimeter of the said site, so as to include it, to its northwestern corner;

Thence easterly along the northern limit of the said site for a distance of 120 metres;

Thence northerly in a straight line to a point whose coordinates are:

5 020 093.68 m N and 403 452.73 m E;

Thence westerly in a straight line for a distance of 110 metres on a bearing of 275°00';

Thence northwesterly in a straight line for a distance of 175 metres on a bearing of 330°00';

Thence northeasterly in a straight line for a distance of 250 metres on a bearing of 45°00';

Thence easterly in a straight line for a distance of 163 metres on a bearing of 100°00';

Thence easterly in a straight line for a distance of 300 metres on a bearing of 81°00';

Thence northeasterly in a straight line for a distance of 185 metres on a bearing of 60°00';

Thence northwesterly in a straight line for a distance of 335 metres on a bearing of 331°00';

Thence northwesterly in a straight line for a distance of 380 metres on a bearing of 320°00';

Thence easterly in a straight line for a distance of 277 metres on a bearing of 88°00';

Thence southeasterly in a straight line for a distance of 194 metres on a bearing of 133°00';

Thence northeasterly in a straight line for a distance of 104 metres on a bearing of 55°00';

Thence southeasterly in a straight line for a distance of 68.55 metres on a bearing of 136°25'41";

Thence southeasterly in a straight line for a distance of 395 metres on a bearing of 111°00';

Thence southeasterly in a straight line for a distance of 103 metres on a bearing of 138°00';

Thence southeasterly in a straight line for a distance of 135 metres on a bearing of 110°00';

Thence easterly in a straight line for a distance of 86 metres on a bearing of 90°00';

Thence northeasterly in a straight line for a distance of 180.63 metres on a bearing of 21°28'52";

Thence southeasterly in a straight line for a distance of 82.63 metres on a bearing of 109°25'47";

Thence northeasterly in a straight line for a distance of 157.62 metres on a bearing of 65°16'23";

Thence due south in a straight line for a distance of 60 metres on a bearing of 180°00';

Thence due east in a straight line for a distance of 208.93 metres on a bearing of 90°00';

Thence southeasterly in a straight line to a point at the intersection of the part of lot 1054 of the cadastre of Canton d'Orford with the northwestern right of way of Route 141 (Chemin du Parc, lot 1828 of the cadastre of Canton d'Orford), the coordinates of the said point being:

5 020 817.82 m N and 405 430.49 m E;

Thence in general southwesterly and southeasterly directions for distances of 331.93 metres and 1,164.51 metres along the northwestern and southwestern rights of way of the said Route 141, the southeasternmost point being at the intersection of the said right of way with the eastern limit of lot 1055 of the cadastre of Canton d'Orford;

Thence southerly along the eastern limit of lots 1055 and 1056 of the said cadastre to the northern limit of lot 3 276 376 of the cadastre of Québec;

Thence westerly along the southern limit of lot 1056 of the cadastre of Canton d'Orford to the point of commencement.

Area: 346.06 hectares

## 2nd perimeter

Commencing at the northeastern corner of lot 1055 of the cadastre of Canton d'Orford;

Thence southerly along the eastern limit of the said lot 1055 to the northeastern right of way of Route 141 (Chemin du Parc, lot 1828 of the cadastre of Canton d'Orford);

Thence in general northwesterly and northeasterly directions along the southwestern and southeastern limits of the said Route 141 for distances of 1,118.27 metres and 304.33 metres, the coordinates of the northeasternmost point being:

5 020 803.22 m N and 405 445.57 m E;

Thence southeasterly in a straight line for a distance of 200 metres on a bearing of 130°26'24";

Thence easterly in a straight line for a distance of 214.93 metres on a bearing of 90°16'41";

Thence northeasterly in a straight line for a distance of 172.64 metres on a bearing of 17°35'57";

Thence due east in a straight line for a distance of 270.71 metres on a bearing of 90°00';

Thence due south in a straight line for a distance of 306.61 metres on a bearing of 180°00';

Thence due west in a straight line for a distance of 114 metres on a bearing of 270°00';

Thence due south in a straight line for a distance of 139.26 metres on a bearing of 180°00';

Thence southeasterly in a straight line to the point of commencement, being the northeastern corner of lot 1055 of the cadastre of Canton d'Orford.

Area: 32.04 hectares

### 3rd perimeter

Commencing at a point on the limit between the part of lot 997 of the cadastre of Canton d'Orford and the southern right of way of Route 141 (Chemin du Parc, lot 1828 of the cadastre of Canton d'Orford), a point whose coordinates are:

5 020 986.73 m N and 407 181.66 m E;

Thence due south in a straight line for a distance of 465 metres on a bearing of 180°00';

Thence southeasterly in a straight line for a distance of 225 metres on a bearing of 130°00';

Thence northeasterly in a straight line for a distance of 400 metres on a bearing of 75°00';

Thence easterly in a straight line for a distance of 150 metres on a bearing of 95°00';

Thence northeasterly in a straight line for a distance of 175 metres on a bearing of 65°00';

Thence southeasterly in a straight line for a distance of 160 metres on a bearing of 135°00';

Thence easterly in a straight line to a point on the limit between the part of lot 928 of the cadastre of Canton d'Orford and the southwestern right of way of Route 141 (Chemin du Parc, lot 1828 of the cadastre of Canton d'Orford), a point whose coordinates are:

5 020 428.41 m N and 408 264.24 m E;

Thence northwesterly and westerly along the right of way of the said route so as to exclude it, to the point of commencement.

Area: 60.02 hectares

#### 4th perimeter

Commencing at a point on the limit between the part of lot 926 of the cadastre of Canton d'Orford and the northeastern right of way of Route 141 (Chemin du Parc, lot 1828 of the cadastre of Canton d'Orford), a point whose coordinates are:

5 021 041.77 m N and 408 047.12 m E;

Thence northeasterly in a straight line for a distance of 141.19 metres on a bearing of 39°20'30";

Thence northerly in a straight line for a distance of 51.13 metres on a bearing of 0°19'35";

Thence northeasterly in a straight line for a distance of 111.56 metres on a bearing of 25°19'12";

Thence due east in a straight line for a distance of 148.59 metres on a bearing of 90°00';

Thence southeasterly in a straight line for a distance of 340 metres on a bearing of 158°00' to a point whose coordinates are:

5 020 987.70 m N and 408 460.59 m E;

Thence southwesterly in a straight line to a point on the southern limit of lot 926 of the cadastre of Canton d'Orford 265 metres from the southeastern corner of the said lot;

Thence westerly along the southern limit of lot 926 to its intersection with the right bank of the Rivière aux Cerises;

Thence in a general southeasterly direction along the said bank, so as to exclude it, to its intersection with the left bank of the Ruisseau du Grand Rocher;

Thence in a general southwesterly direction, along the left bank of the said stream so as to exclude it, to its intersection with the northeastern right of way of Route 141 (Chemin du Parc, lot 1828 of the cadastre of Canton d'Orford);

Thence northwesterly, along the said right of way so as to exclude it, to the point of commencement.

Area: 20.74 hectares

The measures and areas in this technical description are expressed in SI (International System) units and the related plan was drawn up on the basis of the digital survey and cadastral compilation files produced at a scale of 1:20,000 by the Ministère des Ressources naturelles et de la Faune of Québec.

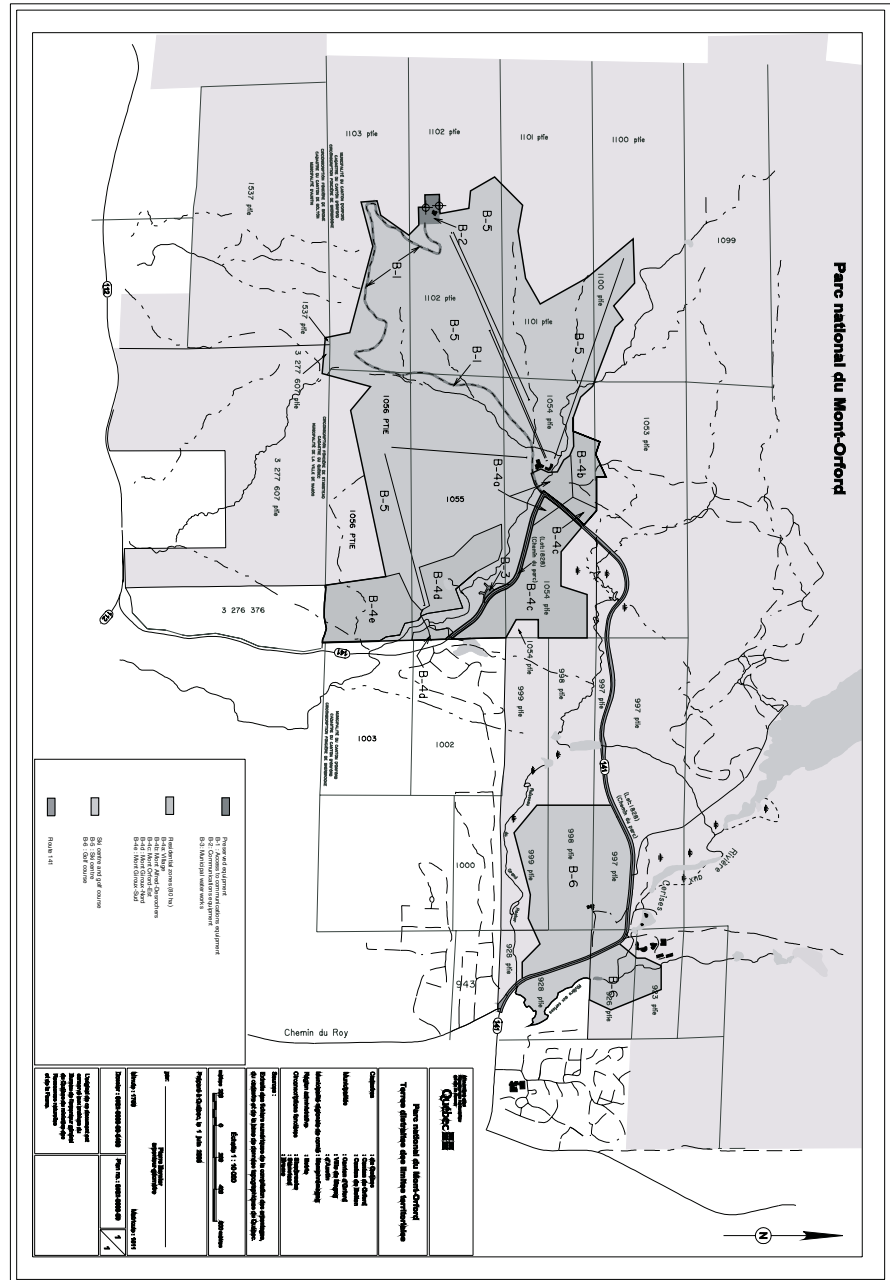
The coordinates are in reference to the official plane coordinate system of Québec (SCOPQ), modified transverse Mercator projection system, Zone 8, NAD 83.

The whole as shown on the plan prepared by the undersigned on 1 June 2006 and kept in the archives of the Bureau de l'arpenteur général du Québec of the Ministère des Ressources naturelles et de la Faune under number 0502-0000-09.

Prepared at Québec on 1 June 2006 under number 1759 of my minutes.

By: *Signed original*  
Pierre Bernier  
Land Surveyor

# PLAN OF LANDS EXCLUDED FROM PARC NATIONAL DU MONT-ORFORD



## **SCHEDULE C**

*(Section 5)*

*(a) Schedule A to the Regulation respecting the Parc national du Mont-Orford*

## **SCHEDULE A**

**(s. 1)**

## **PARC NATIONAL DU MONT-ORFORD**

### **TECHNICAL DESCRIPTION**

#### Note

In this technical description, it is understood that when a perimeter is said to follow a watercourse or skirt a lake, the perimeter always follows or skirts the outer limit of the shore or bank, that is, the high water line, unless otherwise indicated.

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A territory situated in the municipalities of Eastman, Austin, Ville de Magog and Canton d'Orford, in the regional county municipality of Memphrémagog, containing a total of 5,490.86 hectares and described as follows:

The islands situated in Lac Fraser and Lac Stukely with their centroids at points at the following coordinates:

Lac Fraser:

— Unnamed island: 5 028 133 m N and 408 505 m E containing 0.075 hectare.

Lac Stukely:

— Île Miner: 5 025 996 m N and 402 933 m E containing 8.150 hectares.

— Unnamed island: 5 025 423 m N and 404 440 m E containing 0.065 hectare.

— Unnamed island: 5 025 522 m N and 404 457 m E containing 0.097 hectare.

— Unnamed island: 5 025 513 m N and 404 424 m E containing 0.044 hectare.

— Unnamed island: 5 025 658 m N and 403 964 m E containing 0.111 hectare.



### 1st perimeter

Commencing at a point at the southeastern corner of lot 1540 of the cadastre of Canton de Bolton;

Thence westerly and northerly along the southern and western limits of the said lot 1540 to the southern limit of lot 1537;

Thence westerly along the southern limit of the said lot 1537 to the eastern limit of lot 1460;

Thence southerly along the latter limit to a point on a line parallel to and 15.24 metres north of the centre line of the powerline;

Thence westerly along the said parallel line for a distance of 333.62 metres to its intersection with the centre line of a stream;

Thence northerly along the said centre line of the stream for a distance of 329.36 metres;

Thence westerly along the northern limit of the property of Madam Maureen Morris (registration no. 143419 at the registry office of the registration division of Brome) for a distance of 235.17 metres and of the property of Mr. Claude Pelchat (registration no. 124474 at the registry office of the registration division of Brome) for a distance of 320.8 metres;

Thence southerly along the western limit of the property of Mr. Claude Pelchat for a distance of 263.46 metres on a bearing of  $177^{\circ}03'58''$  to a point on a line parallel to and 15.24 metres north of the centre line of the powerline;

Thence northwesterly along the line parallel to and 15.24 metres northeast of the centre line of the powerline on a bearing of  $328^{\circ}17'47''$  for a distance of 500.53 metres to a point at the intersection of the said parallel line with the eastern right of way of the servitude in favour of Gaz Inter-Cité Québec Inc. (registration no. 143180 at the registry office of the registration division of Brome);

Thence northerly along the said right of way on a bearing of  $347^{\circ}47'09''$  for a distance of 7.54 metres;

Thence northwesterly along the said right of way on a bearing of  $341^{\circ}28'20''$  for a distance of 44.59 metres;

Thence northerly on a bearing of  $358^{\circ}57'01''$  for a distance of 553.71 metres to a point on the northern limit of the cadastre of Canton de Bolton;

Thence easterly along the northern limit of the cadastre of Canton de Bolton to the western limit of the cadastre of Canton d'Orford;

Thence northerly along the western limit of the cadastre of Canton d'Orford to the southern limit of lot 2 236 151 of the cadastre of Québec;

Thence westerly, northerly and easterly along the southern, western and northern limits of the said lot 2 236 151;

Thence northerly along the western limit of the cadastre of Canton d'Orford to the high water line of Lac Stukely;

Thence in a general northerly direction along the said high water line of Lac Stukely so as to exclude it, to the western limit of the cadastre of Canton d'Orford;

Thence northerly along the said limit to the southeastern limit of lot 1086-2-1 of the cadastre of Canton d'Orford;

Thence northeasterly along the southeastern limit of the said lot and lot 1086-3 to the northeastern limit of lot 1086-2;

Thence easterly along the northeastern limit of the said lot for a distance of 50.72 metres;

Thence northeasterly in a straight line to the limit of the southwestern right of way of Route 220 that corresponds to the southeastern limit of the property of Mr. Gilles Picotte (registration no. 211626 at the registry office of the registration division of Sherbrooke);

Thence southeasterly and easterly along the southwestern and southern limits of the right of way of Route 220 to the western limit of the part of lot 1086-1;

Thence southerly, easterly and northerly, along the western, southern and eastern limits of the said lot so as to exclude it;

Thence northeasterly along the southeastern limit of the right of way of Route 220 to its intersection with the southern right of way of the old Route 220;

Thence easterly and southeasterly along the southern and southwestern rights of way of the old Route 220 to a point whose coordinates are:

5 029 299.21 m N and 404 629.76 m E;

Thence northeasterly in a straight line on a bearing of 57°20'33" for a distance of 22.23 metres to a point at the intersection of the northeastern right of way of the old Route 220 with the dividing line between lots 1080 and 1081 of the cadastre of Canton d'Orford;

Thence northeasterly along the dividing line between lots 1080 and 1081 to the western limit of lot 1031;

Thence northerly along the said western limit of lot 1031 to the southwestern right of way of Route 220;

Thence southeasterly along the said right of way to the dividing line between lots 1031 and 1032;

Thence southerly along the said dividing line between lots 1031 and 1032 to the northern right of way of the old Route 220;

Thence southerly in a straight line to a point at the intersection of the southern right of way of the old Route 220 with the dividing line between lots 1041 and 1042 of the cadastre of Canton d'Orford;

Thence southerly along the dividing line between lots 1041 and 1042 to a point 740.63 metres from the southern limit of the said lots;

Thence easterly along a line parallel to the southern limit of lots 1041, 1040, 1039, 1038 and 1037 to the western limit of lot 973 of the cadastre of Canton d'Orford;

Thence southerly along the dividing line between the said lots 973 and 1037 to the southern limit of lots 973 and 974;

Thence easterly along the southern limit of the said lots 973 and 974 to the eastern limit of lot 974;

Thence northerly along the said limit to the southern right of way of Route 220;

Thence in a general northeasterly direction along the said right of way to its intersection with the road along Lac Fraser, being the western limit of lot 889-5;

Thence in a general southwesterly direction along the northern and western limits of the road along Lac Fraser, that is, the road consisting of lots 889-5, 889-11 and 888-14 and the part of lot 888-25 of the cadastre of Canton d'Orford;

Thence easterly along the southern limit of the part of lot 888-25 and lot 888-26 to the eastern shore of Lac Fraser;

Thence southerly, easterly and northerly along the shore of the said lake so as to exclude it, to its intersection with the eastern bank of the effluent of Lac des Monts;

Thence northerly along the said eastern bank of the effluent of Lac des Monts to the southern right of way of Route 220;

Thence easterly and southeasterly, along the said right of way to the eastern corner of the entrance of the access road to the campground on Lac Fraser, a point whose coordinates are:

5 028 134.42 m N and 409 669.49 m E;

Thence southwesterly in a straight line for a distance of 59.06 metres on a bearing of 235°23'16";

Thence northwesterly in a straight line for a distance of 31.93 metres on a bearing of 308°32'56" to a point on the southeastern right of way of the access road to the campground on Lac Fraser;

Thence in a general southwesterly direction along the right of way of the said access road so as to include it, to the dividing line between lots 799 and 891-A of the cadastre of Canton d'Orford;

Thence southerly along the eastern limit of lots 891-A, 891 to 894, 896 to 900, 902 to 913, 915, 917, 918, 921, 922 and 924;

Thence westerly along the southern limit of lot 924 to the western limit of lot 926;

Thence southerly along the eastern limit of lot 926 to the dividing line between lots 926 and 928 of the cadastre of Canton d'Orford;

Thence westerly along the said dividing line between lots 926 and 928 for a distance of 265 metres;

Thence northeasterly in a straight line to a point whose coordinates are:

5 020 987.70 m N and 408 460.59 m E;

Thence northwesterly in a straight line for a distance of 340 metres on a bearing of 338°00';

Thence due west in a straight line for a distance of 148.59 metres on a bearing of 270°00';

Thence southwesterly in a straight line for a distance of 111.56 metres on a bearing of 205°19'12";

Thence southerly in a straight line for a distance of 51.13 metres on a bearing of 180°19'35";

Thence southwesterly in a straight line for a distance of 141.19 metres on a bearing of 219°20'30" to a point on the northeastern right of way of Route 141 (Chemin du Parc, lot 1828 of the cadastre of Canton d'Orford) whose coordinates are:

5 021 041.77 m N and 408 047.12 m E;

Thence in a general westerly direction along the said right of way so as to exclude it, to a point whose coordinates are:

5 020 817.82 m N and 405 430.49 m E;

Thence northwesterly in a straight line for a distance of 119.36 metres on a bearing of  $311^{\circ}11'09''$ ;

Thence due west in a straight line for a distance of 208.93 metres on a bearing of  $270^{\circ}00'$ ;

Thence due north in a straight line for a distance of 60 metres on a bearing of  $0^{\circ}00'$  to a point whose coordinates are:

5 020 956.43 m N and 405 131.73 m E;

Thence southwesterly in a straight line for a distance of 157.62 metres on a bearing of  $245^{\circ}16'23''$ ;

Thence northwesterly in a straight line for a distance of 82.63 metres on a bearing of  $289^{\circ}25'47''$ ;

Thence southwesterly in a straight line for a distance of 180.63 metres on a bearing of  $201^{\circ}28'52''$ ;

Thence due west in a straight line for a distance of 86 metres on a bearing of  $270^{\circ}00'$ ;

Thence northwesterly in a straight line for a distance of 135 metres on a bearing of  $290^{\circ}00'$ ;

Thence northwesterly in a straight line for a distance of 103 metres on a bearing of  $318^{\circ}00'$ ;

Thence northwesterly in a straight line for a distance of 395 metres on a bearing of  $291^{\circ}00'$ ;

Thence northwesterly in a straight line for a distance of 68.55 metres on a bearing of  $316^{\circ}25'41''$ ;

Thence southwesterly in a straight line for a distance of 104 metres on a bearing of  $235^{\circ}00'$ ;

Thence northwesterly in a straight line for a distance of 194 metres on a bearing of  $313^{\circ}00'$ ;

Thence westerly in a straight line for a distance of 277 metres on a bearing of  $268^{\circ}00'$ ;

Thence southeasterly in a straight line for a distance of 380 metres on a bearing of 140°00';

Thence southeasterly in a straight line for a distance of 335 metres on a bearing of 151°00';

Thence southwesterly in a straight line for a distance of 185 metres on a bearing of 240°00';

Thence southwesterly in a straight line for a distance of 300 metres on a bearing of 261°00';

Thence westerly in a straight line for a distance of 163 metres on a bearing of 280°00';

Thence southwesterly in a straight line for a distance of 250 metres on a bearing of 225°00';

Thence southeasterly in a straight line for a distance of 175 metres on a bearing of 150°00';

Thence easterly in a straight line for a distance of 110 metres on a bearing of 95°00' to a point whose coordinates are:

5 020 093.68 m N and 403 452.73 m E;

Thence southerly in a straight line to a point on the northern limit of the site occupied by the Société de télédiffusion du Québec. The latter point is 120 metres from the northwestern corner of the said site, which is shown on the plan prepared by Mr. Denis Ouellet, Land Surveyor, on 8 November 1976. The plan is kept in the archives of the Bureau de l'arpenteur général du Québec under number Plan Canton 1354A and 1354B;

Thence westerly, southerly and easterly along the perimeter of the said site so as to exclude it, to its southeastern corner;

Thence southeasterly in a straight line to a point whose coordinates are:

5 019 715.62 m N and 403 619.52 m E;

Thence southwesterly in a straight line for a distance of 215 metres on a bearing of 215°00';

Thence southwesterly in a straight line for a distance of 95 metres on a bearing of 255°00';

Thence southerly in a straight line for a distance of 100 metres on a bearing of 175°00';

Thence northeasterly in a straight line for a distance of 285 metres on a bearing of 75°00';

Thence southeasterly in a straight line for a distance of 560 metres on a bearing of 105°00';

Thence southerly in a straight line for a distance of 156.80 metres on a bearing of 168°46'56";

Thence easterly in a straight line for a distance of 225 metres on a bearing of 95°00';

Thence northeasterly in a straight line for a distance of 315 metres on a bearing of 15°00';

Thence southeasterly in a straight line for a distance of 195 metres on a bearing of 130°00';

Thence easterly in a straight line to a point whose coordinates are:

5 019 570.98 m N and 405 752.89 m E;

Thence southerly in a straight line to the northeastern corner of lot 3 277 607 of the cadastre of Québec;

Thence along the perimeter of the said lot so as to include it, to its southwestern corner, a point being on the eastern limit of lot 1542 of the cadastre of Canton de Bolton;

Thence northerly along the eastern limit of the said lot 1542 to the point of commencement, being the southeastern corner of lot 1540.

Area: 5 377.95 hectares

## 2nd perimeter

Commencing at a point at the intersection of the southern limit of lot 928 of the cadastre of Canton d'Orford and the southwestern right of way of Route 141 (Chemin du Parc);

Thence westerly along the southern limit of lots 928 and 999 of the said cadastre to the southwestern corner of lot 999;

Thence northwesterly in a straight line for a distance of 130 metres on a bearing of 300°00';

Thence due north in a straight line for a distance of 139.26 metres on a bearing of 0°00';

Thence due east in a straight line for a distance of 114 metres on a bearing of 90°00';

Thence due north in a straight line for a distance of 306.61 metres on a bearing of 0°00';

Thence due west in a straight line for a distance of 270.71 metres on a bearing of 270°00';

Thence southwesterly in a straight line for a distance of 172.64 metres on a bearing of 197°35'57";

Thence westerly in a straight line for a distance of 214.93 metres on a bearing of 90°16'41";

Thence northwesterly in a straight line to the southeastern right of way of Route 141 (Chemin du Parc, lot 1828 of the cadastre of Canton d'Orford), a point whose coordinates are:

5 020 803.22 m N and 405 445.57 m E;

Thence in a general easterly direction along the said right of way so as to exclude it, to a point whose coordinates are:

5 020 986.73 m N and 407 181.66 m E;

Thence due south in a straight line for a distance of 465 metres on a bearing of 180°00';

Thence southeasterly in a straight line for a distance of 225 metres on a bearing of 130°00';

Thence northeasterly in a straight line for a distance of 400 metres on a bearing of 75°00';

Thence easterly in a straight line for a distance of 150 metres on a bearing of 95°00';

Thence northeasterly in a straight line for a distance of 175 metres on a bearing of 65°00';

Thence southeasterly in a straight line for a distance of 160 metres on a bearing of 135°00';

Thence easterly in a straight line to the southwestern right of way of Route 141 (Chemin du Parc, lot 1828 of the cadastre of Canton d'Orford), a point whose coordinates are:

5 020 428.41 m N and 408 264.24 m E;



Thence southeasterly along the said right of way so as to exclude it, to the point of commencement.

Area: 102.65 hectares

3rd perimeter

Commencing at the northeastern corner of lot 1031 of the cadastre of Canton d'Orford;

Thence southerly for a distance of 223.70 metres along the dividing line between lots 1031 and 1032 to the northeastern right of way of Route 220;

Thence northwesterly for a distance of 275.90 metres along the northeastern right of way of Route 220 to a point on the northern limit of lot 1031;

Thence easterly for a distance of 173.20 metres along the northern limit of lot 1031 to the point of commencement.

Area: 1.72 hectare

The measures and areas in this technical description are expressed in SI (International System) units and the related plan was drawn up on the basis of the digital survey and cadastral compilation files produced at a scale of 1:20,000 by the Ministère des Ressources naturelles et de la Faune of Québec. The coordinates are in reference to the official plane coordinate system of Québec (SCOPQ), modified transverse Mercator projection system, Zone 8, NAD 83.

The whole as shown on the plan prepared by the undersigned on 1 June 2006 and kept in the archives of the Bureau de l'arpenteur général du Québec of the Ministère des Ressources naturelles et de la Faune under number 0502-0000-08.

Prepared at Québec on 1 June 2006 under number 1758 of my minutes.

By: Signed original  
Pierre Bernier  
Land Surveyor



**SCHEDULE D**  
(Section 7)

**SCHEDULE 5**  
(s. 3)

**PARC NATIONAL DU MONT-ORFORD ZONING MAP**



## **SCHEDULE E**

*(Section 18)*

### **Permitted uses**

#### Zones B-4b, B-4c, B-4d and B-4e

The following uses are permitted in these zones:

— detached, semi-detached or attached (containing no more than 7 units) single-family dwellings, detached or semi-detached two-family dwellings, and multi-family dwellings that contain no more than 20 units;

— outdoor recreational activities, excluding exhibition grounds, golf courses, horseback riding grounds, horseback riding centres and vacation camps;

— the following uses complementary to residential uses: professional, personal and handicraft services if carried on inside residential buildings over an area not exceeding 25% of the building coverage of the main building.

#### Zone B-4a

In this zone, the following uses are permitted in addition to the uses permitted in zones B-4b, B-4c, B-4d and B-4e:

— recreational services;

— recreational activities;

— hotel services, excluding convention centres;

— restaurant establishments and establishments where alcoholic beverages are consumed;

— the following uses complementary to recreational and commercial uses: professional, personal and handicraft services and retailing, if carried on inside residential, recreational or commercial buildings and integrated into the preceding uses.

### **General criteria**

#### Zones B-4a, B-4b, B-4c, B-4d and B-4e

1) In these zones, the base of a building may not be located at more than 350 metres above sea level, except in the zone at the very foot of the slopes of Mont Orford, where the base of a building may be located at an altitude of up to 380 metres.

2) Outdoor lighting equipment must be designed and maintained to protect the night sky against light pollution.

3) Commercial uses must be integrated harmoniously with and be complementary to existing recreational activities and equipment, in particular the downhill ski centre, the golf course and hiking trails.

4) Adequate protection must be provided for residential uses against sound nuisances associated with commercial uses, in particular through the integration of transition zones or buffer areas between different uses.

### **Density criteria**

#### Zones B-4b, B-4c, B-4d and B-4e

1) There are to be no more than 10 dwellings per gross hectare and a maximum of 4 multi-family dwellings containing more than 16 units is authorized.

2) The gross land occupation coefficient may not exceed 25% for all zones; however, the maximum land use percentage for each separate lot on which a main building is erected is 30%.

#### Zone B-4a

1) There are to be no more than 30 dwellings per gross hectare. In addition, only one hotel complex of more than 80 but less than 100 rooms is permitted. Moreover, a maximum of 250 rooms is authorized for all hotel establishments in the zone.

2) The gross land occupation coefficient may not exceed 30% for the entire zone; however, the maximum land use percentage for each separate lot on which a main building is erected is 60%.

### **Criteria applicable to building and parking area construction**

#### Zones B-4a, B-4b, B-4c, B-4d and B-4e

1) All structures, landscaping and parking lots must be integrated with the natural characteristics of the land. Topographical changes (clearing and filling) are to be limited. Natural benches should be used for the construction of buildings and parking lots.

2) Buildings must be laid out so as to cast the least possible shade on pedestrian malls, public squares, and low-density dwellings.

3) Buildings must be laid out so as to preserve the view of surrounding mountains and bodies of waters from public squares and pedestrian malls.

4) Parking lots must be grouped in clusters and embellished with landscaping to minimize the visual impact. They must be consistent with the overall development design.

5) Existing trees must be preserved or new ones planted in parking lots to provide plant cover and break up the spatial homogeneity.

6) The total parking area must not exceed 7 hectares.

### **Criteria applicable to the architecture**

#### Zones B-4a, B-4b, B-4c, B-4d and B-4e

1) Harmonious coexistence of the different uses must be ensured by using the same or related architectural features to create a harmonious and distinctive built environment.

2) All structures must recall the architectural features specific to the Cantons-de-l'Est, that is, those of Victorian, Queen Anne, New England or Loyalist architecture.

3) Single-family dwellings must be no more than 10 metres high. Other residential buildings and commercial and recreational buildings must be no more than 15 metres high.

4) All the buildings on the same street or in the same group must be compatible as regards architectural style (volume, height, exterior finish, roof shape, facade, and architectural details). Moreover, they should fit in with the surrounding area.

5) When dwelling units are grouped together, recessed facades and variations in the volume and other measurements must be provided so they do not form a monolithic whole.

6) The side and back wall treatment of a building must be equivalent to that of the main facade.

7) The areas for storing, loading and unloading merchandise, and the mechanical equipment for structures and uses other than residential must not be visible from thoroughfares, recreational sites, footpaths or public spaces.

8) The height and dimensions of an accessory building must not exceed those of the main building.

## **Criteria applicable to protection of the forest cover**

### **Zones B-4a, B-4b, B-4c, B-4d and B-4e**

- (1) A forest cover consisting of at least 70% of the stems of a diameter of 10 centimetres or more must be preserved on slopes steeper than 30% and in a 10-metre wide zone separating proposed facilities from any road.
- (2) In the absence of a wooded zone, the planting of trees in a 10-metre wide zone must be planned along any road. At least 2 trees of a minimum height of 4 metres must be planted per 10 square meters of the zone. The zone must include conifers in a proportion of at least 60%.
- (3) Buildings, facilities, equipment and infrastructures must be laid out in such a way as to limit the size of cleared areas and must take into account the characteristics of the existing forest cover.
- (4) Effective protection measures must be taken before any construction work begins in order to ensure that the work does not undermine the preservation of trees located in those zones, except the trees that must be removed to carry out the work.
- (5) Any unbroken area of clearing must be limited to the needs generated by the construction of buildings and equipment and the lay-out of roads and parking areas. Clearing for the purpose of piling or storing materials or storing machinery is prohibited.

## **Criteria applicable to drainage and erosion control**

### **Zones B-4a, B-4b, B-4c, B-4d and B-4e**

- (1) Construction or landscaping work must not modify the natural surface water drainage system by making changes in the flow area of natural watersheds. However, if it is impossible not to modify the natural drainage system, modifications must be made according to a drainage and erosion control plan that includes measures mitigating the impact on the natural hydrous environment:
  - routing of runoff water toward wooded areas;
  - creation of settling and filtration basins;
  - progressive revegetation;
  - stabilization using such means as stonework and vegetation.
- (2) Any parking lot covering more than 500 square metres must include measures to retain runoff water.

(3) Retention and control devices for the rainwater flowing from infrastructures such as buildings, service areas and access roads must be planned and integrated during the construction and landscaping of each component of the development in order to minimize sudden surges and the erosion of the banks and bed of Ruisseau Castle and its tributary streams.

(4) Any alteration of the natural topography resulting in a bare slope covering more than 5% of the area on which structures, equipment or facilities are being placed must include mitigating measures applied throughout the construction period, and slopes must be seeded or covered with vegetation at the latest 12 months after the end of the work altering the topography, in order to avoid land erosion.

(5) During the excavation work needed for construction or landscaping, excavated materials must be placed in such a way as to avoid depositing any sediment in pipes, watercourses, ditches, roads or adjacent properties.