



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 90

An Act concerning Parc national du Mont-Orford

Introduction

**Introduced by
Madam Line Beauchamp
Minister of Sustainable Development, Environment
and Parks**

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EXPLANATORY NOTES

This bill provides that the buildings and equipment used to operate the Mont Orford ski centre and golf course are to be sold by public tender within the time and subject to the conditions set by the Minister. It also empowers the Minister to establish superficies in favour of the acquirer on the lands on which those buildings and equipment are situated. The proceeds of the sale are to be paid into the Green Fund.

In addition, the bill integrates within Parc national du Mont-Orford the lands that are occupied by the ski centre and the golf course.

If the ski centre and the golf course cannot be sold, or if they are sold and subsequently return to the State, the Minister will be required to close the ski centre and the golf course within the time specified in the bill, and to dismantle the equipment and any buildings the Minister identifies.

Lastly, the rehabilitation program for degraded natural areas of the skiable terrain of the park is to be continued, subject to certain modifications.

LEGISLATION REPEALED BY THIS BILL:

- 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).

REGULATIONS AMENDED BY THIS BILL:

- Regulation respecting the Parc national du Mont-Orford (R.R.Q., chapter P-9, r. 15);
- Parks Regulation (R.R.Q., chapter P-9, r. 25).

Bill 90

AN ACT CONCERNING PARC NATIONAL DU MONT-ORFORD

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

SALE OF MONT ORFORD SKI CENTRE AND GOLF COURSE ASSETS

1. The buildings and equipment situated on the lands identified in section 4 that are used for the operation of the ski centre and the golf course are to be sold by the Minister by public tender, subject to the conditions and within the time set by the Minister.

The conditions may pertain to

(1) the minimum period during which the acquirer will be required to operate the ski centre and the golf course;

(2) the environmental management of the ski centre and the golf course the acquirer will be required to implement, more particularly the obligation to submit to the approval of the Minister an environmental management plan that includes measures to preserve landscapes, water resources, wetlands and biodiversity, and measures to prevent or limit light pollution created by outdoor lighting equipment;

(3) the volume of water that may be taken from Étang aux Cerises and Rivière aux Cerises, in order not to adversely affect their biological productivity; and

(4) the guarantees and penalties to ensure compliance with the conditions of the sale.

Furthermore, the environmental management plan must provide for a protected zone at least 30 metres wide, measured from the high-water line along each side of Rivière aux Cerises and Orford, Giroux, Castle, de la Cuvette and du Grand-Rocher streams, within which there may be no new development work, except work for the purpose of restoring or protecting the natural environment.

2. The Minister may, on the lands identified in section 4, provide for the establishment of superficies in favour of the acquirer of the buildings and equipment used for the operation of the ski centre and the golf course, among other things through division of the object of the right of ownership.

3. Any sum received by the Minister by reason of the sale of assets referred to in section 1 is to be paid into the Green Fund established by section 15.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (R.S.Q., chapter M-30.001).

DIVISION II

INTEGRATION OF LANDS INTO PARC NATIONAL DU MONT-ORFORD

4. The lands that were excluded from the boundaries of Parc national du Mont-Orford under section 2 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) and are occupied by the Mont Orford ski centre and golf course are integrated within the boundaries of the park.

5. Schedules A and B to the Regulation respecting the Parc national du Mont-Orford (R.R.Q., chapter P-9, r. 15), replaced by section 5 of chapter 14 of the statutes of 2006, are again replaced by the schedules appearing in Schedule I to this Act.

6. Schedule 5 to the Parks Regulation (R.R.Q., chapter P-9, r. 25), replaced by section 7 of chapter 14 of the statutes of 2006, is again replaced by the schedule appearing in Schedule II to this Act.

DIVISION III

CLOSING OF SKI CENTRE AND GOLF COURSE

7. If the assets described in section 1 cannot be sold, or are sold but later return to the State, the Minister must close the ski centre and the golf course within 12 months following, as applicable, the date on which it is established that the sale of assets will not come about or the date on which the assets return to the State.

As of the closing of the ski centre and the golf course, and until the Government has exercised its zoning power under section 9 of the Parks Act (R.S.Q., chapter P-9), the lands on which the buildings and equipment used for their operation are situated are deemed to be, as applicable, natural environment zones or services zones within the meaning of the Parks Regulation. As of the closing of the ski centre and the golf course, the Minister dismantles the equipment and any buildings the Minister identifies.

DIVISION IV

TRANSITIONAL AND FINAL PROVISIONS

8. The rehabilitation program for degraded natural areas of the skiable terrain of Parc national du Mont-Orford implemented by the Minister of Sustainable Development, Environment and Parks is continued, subject to the following provisions:

(1) the period covered by the program is extended until (*insert the date occurring five years after the date of assent to this Act*);

(2) the Minister may make the program applicable to the restoration of degraded natural areas throughout the park, including the lands acquired under section 8 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), but the lands of the skiable terrain must be given priority; and

(3) the total amount of investment commitments for the whole period covered by the program remains set at five million dollars.

9. 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, except the provisions of section 8 relating to the enlargement of the park, which cease to have effect on (*insert the date occurring five years after the date of assent to this Act*), is repealed.

10. The public tender process undertaken by the Minister of Sustainable Development, Environment and Parks before (*insert the date of assent to this Act*) to sell the buildings and equipment situated on the lands that are used for the operation of the Mont Orford ski centre and golf course is, from that date, continued under this Act.

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

12. This Act comes into force on (*insert the date of assent to this Act*).

SCHEDULE I

(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

PROVINCE OF QUÉBEC

MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE

SHEFFORD, BROME, STANSTEAD AND SHERBROOKE REGISTRATION DIVISIONS

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.

A territory situated in the municipalities of Eastman, Austin, Ville de Magog and Canton d'Orford, in Municipalité régionale de comté de Memphrémagog, containing a total of 5,946.29 hectares and described as follows:

1. The following lots of the cadastre of Québec:

2 236 151, 3 576 607, 3 576 917, 3 577 587, 3 695 293 to 3 695 295, 3 695 316, 3 695 357 to 3 695 360, 3 695 374, 3 785 631 to 3 785 636, 3 785 895, 3 786 100, 3 786 117, 3 786 329, 3 786 545, 3 787 730, 3 787 941, 3 849 115, 3 849 116, 3 883 086, 3 883 087, 3 883 094, 3 945 766, 3 961 229 to 3 961 231.

Area: 5,689.65 hectares

2. The lots 1 537 and 1 540 of the cadastre of Canton de Bolton.

Area: 151.21 hectares

3. Part of lot 1 460 of the cadastre of Canton de Bolton, described as follows:

Commencing at a point situated on the northeastern corner of lot 1 460 of Canton de Bolton.

Thence, southerly along the eastern limit of the said lot 1 460 to a line parallel to and 15.24 metres north of the centre line of the electric powerline, the approximate coordinates of said point being 5 018 088 m N and 402 757 m E;

Thence, westerly along said parallel line for a distance of 333.62 metres, to its intersection with the centre line of a stream, the approximate coordinates of said point being 5 018 125 m N and 402 426 m E;

Thence, northerly along the centre line of said stream to the northeast corner of the property of Maureen Morris or her legal successor (registration no. 143 419 at the registry office of the registration division of Brome);

Thence, westerly along the northern limit of the said property of Maureen Morris or her legal successor and of the property of Claude Pelchat or his legal successor (registration no. 124 474 at the registry office of the registration division of Brome);

Thence, southerly along the western limit of the said property of Claude Pelchat, to a point situated on a line parallel to and 15.24 metres north of the centre line of the electric powerline;

Thence, northwesterly along said line parallel to and 15.24 metres northeast of the centre line of the electric powerline on a bearing of 328°17'47" and for a distance of 500.53 metres, the said point being situated at the intersection of said parallel line with the eastern right of way of the servitude in favour of Gaz Inter-Cité Québec Inc. (registration no. 143 180 at the registry office of the registration division of Brome);

Thence, northerly along said right of way on a bearing of 347°47'09" for a distance of 7.54 metres;

Thence, northwesterly along said right of way on a bearing of 341°28'20" for a distance of 44.59 metres;

Thence, northerly on a bearing of 358°57'01" for a distance of 553.71 metres, said point being situated 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 point of commencement, being the northeastern corner of lot 1 460.

Area: 96.89 hectares

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

Lac Fraser:

- Unnamed island: 5 028 133 m N and 408 505 m E;

Area: 0.075 hectares

Lac Stukely:

- Île Miner: 5 025 996 m N and 402 933 m E;

Area: 8.150 hectares

- Unnamed island: 5 025 423 m N and 404 440 m E;

Area: 0.065 hectares

- Unnamed island: 5 025 522 m N and 404 457 m E;

Area: 0.097 hectares

- Unnamed island: 5 025 513 m N and 404 424 m E;

Area: 0.044 hectares

- Unnamed island: 5 025 658 m N and 403 964 m E;

Area: 0.111 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 and data retrieved from the new cadastre. 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 3 March 2010 and kept in the Greffe de l'arpenteur général du Québec of the Ministère des Ressources naturelles et de la Faune under number 0502-0000-12.

Prepared at Québec on 3 March 2010 under number 1828 of my minutes.

Original signed

By: _____

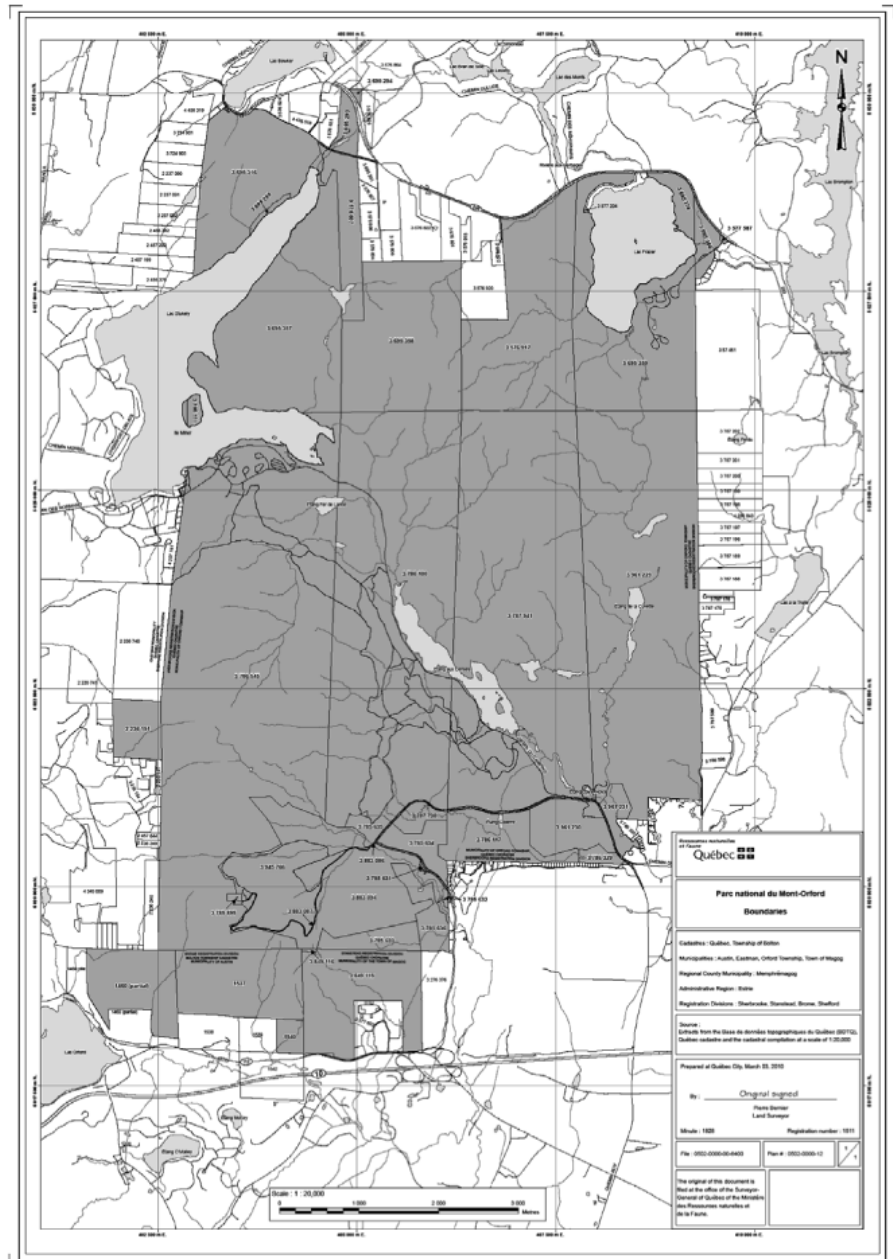
Pierre Bernier
Land Surveyor

(b) Schedule B to the Regulation respecting the Parc national du Mont-Orford

SCHEDULE B

(s. 1)

PLAN OF PARC NATIONAL DU MONT-ORFORD



SCHEDULE II
(Section 6)

SCHEDULE 5
(s. 3)

PARC NATIONAL DU MONT-ORFORD ZONING MAP

