

**SMOKY LAKE COUNTY  
IN THE PROVINCE OF ALBERTA  
BYLAW NO. 1370-20**

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A BYLAW OF THE MUNICIPALITY OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA, TO  
DESIGNATE THE VICTORIA TRAIL AS A MUNICIPAL HISTORIC AREA.

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**WHEREAS** Section 27(1) of the *Historical Resources Act*, R.S.A. 2000, c. H-9, (the "Act") as amended, permits the Municipal Council of a municipality to designate any heritage resource within a municipality whose preservation it considers to be in the public interest as a Municipal Historic Area, upon giving notice to the Owner of the Resource, Council may by bylaw designate that part of the municipality as a Municipal Historic Area and prohibit or regulate and control the use and development of land and the demolition, removal, construction, or reconstruction of buildings within that Municipal Historic Area;

**AND WHEREAS** the Council of Smoky Lake County is of the opinion that certain municipally owned portions of and around the Victoria Trail, as more particularly described in Section 2 of this bylaw, possess historical character and preservation of that historical character is in the public interest;

**AND WHEREAS** a bylaw made under section 27(1) of the Act is deemed to form part of the County's Land Use Bylaw;

**AND WHEREAS** Part 17 of the Municipal Government Act, R.S.A. c. M-26 relating to a land use bylaw applies to a bylaw made under section 27(1) of the Act;

**AND WHEREAS** the Victoria District, through which portions of the Victoria Trail transect, was Designated a National Historic Site of Canada by Order of the Canadian Minister of Heritage on October 17, 2001;

**AND WHEREAS** the Victoria Trail forms a segment of the former Fort Garry – Fort Edmonton Trail (Saskatchewan/Carlton Trail);

**AND WHEREAS** in 1972 the Historic Sites and Monuments Board of Canada (HSMBC) declared the use of the Fort Garry – Fort Edmonton Trail to be a National Historic Event;

**NOW THEREFORE THE MUNICIPAL CORPORATION OF SMOKY LAKE COUNTY, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:**

**1. SHORT TITLE**

1.1 This Bylaw may be cited as the "Victoria Trail Municipal Historic Area Designation Bylaw".

**2. DEFINITIONS**

2.1 "Act": means the Alberta Historical Resources Act, R.S.A. 2000, Ch. H-9 and successive Acts and amendments thereto.

2.2 "Chief Administrative Officer" means the person, also known as the "CAO", appointed by Council to the position of Chief Administrative Officer under the Municipal Government Act for Smoky Lake County.

2.3 "Council": means the Reeve and Councillors duly elected in the Smoky Lake County and who are eligible to continue to hold office.

2.4 "County": means the geographic area contained within the boundaries of the municipality of Smoky Lake County.

### 3. LAND DESIGNATED AS A MUNICIPAL HISTORIC RESOURCE

3.1 The lands municipally described as the municipally owned portions of the Victoria Trail, Range Road 171A, Township Road 538A, Township Road 584A, Township Road 585A, Township Road 590A, and Range Road 150A in the region as well as the public areas that adjoin the public roadways, and more particularly known and legally described as:

<b>Firstly,</b>	Road Plan 865 CL;	Road Plan 1468 T;
Road Plan 2202AG;	Road Plan 782 2103;	Road Plan 3932 TR;
Road Plan 796S;	Road Plan 2065 CL;	Road Plan 3932 TR;
Road Plan 142 2934;	Road Plan 5062 EO;	Road Plan 094 1210;
Road Plan 7039 MC;	Road Plan 2388 EO5;	Road Plan 992 4466;
Road Plan 142 3441;	Road Plan 3716 T;	Road Plan 1357 CL;
	Road Plan 752 0850;	Road Plan 6640 BM;

That portion of Victoria Trail which lies East of NE ¼ Section 25 Township 58 Range 20 West of 4th Meridian and West of River Lot 6, Section 25 Township 58 Range 17 West of 4th Meridian;

**Secondly,**

Road Plan 782 2470  
Road Plan 2743 CL

That portion of Range Road 171A which lies East of River Lot 7 Township 58 Range 17 West of 4th Meridian and South of River Lot 2 Township 58 Range 17 West of 4th Meridian;

**Thirdly,**

Road Plan 1815 ET

That portion of Township Road 538A which lies East of River Lot 3 Township 58 Range 17 West of 4th Meridian and Southwest of SE ¼ Section 24 Township 58 Range 17 West of 4th Meridian;

**Fourthly,**

Road Plan 3499 AU

That portion of Township Road 584A which lies East of SE ¼ Section 30 Township 58 Range 16 West of 4th Meridian,

And,

That portion of Township Road 585A which lies East of SE ¼ Section 30 Township 58 Range 16 West of 4th Meridian,

And,

That portion of Township Road 590A which lies North of NE ¼ Section 34 Township 58 Range 16 West of 4th Meridian,

And,

That portion of Range Road 150A which lies East of NW ¼ Section 25 Township 58 Range 15 West of 4th Meridian, and West of SE ¼ Section 30 Township 58 Range 14 West of 4th Meridian;

**Fifthly,**

Road Plan 8652 Y

That portion of Road Allowance which transects East from SE ¼ Section 6 Township 59 Range 15 West of 4th Meridian, thru SE ¼ Section 4 Township 59 Range 15 West of 4th Meridian;

Excepting Thereout All Mines and Minerals  
*(Hereinafter collectively referred to as the "Historic Area")*

3.2 For additional familiarity, portions of the Historic Area encompassed within:

**Warspite Ferry A**  
Road Plan 5062 EO  
Road Plan 2388 EO5

**Warspite Ferry B**  
Road Plan 2065 CL

**Pakan/Victoria Ferry**  
Road Plan 782 2470  
Road Plan 1357 CL

As well as outside the Historic Area:

**Waskatenau Ferry**  
6060 CL  
4486 TR

**Desjarlais Ferry**  
Road Plan 830 KS  
Road Plan 3175 BM

are former Ferry/Steamboat Landings, which each operated on the North Saskatchewan River between the 1860s - 1972. Additional information about said sites is contained in **Schedule "G"** and entitled 'Historic Ferry Sites'.

- 3.3 For greater certainty, the Historic Area does **not** include any privately-owned land or property.
- 3.4 An approximate outline of the Historic Area is attached as **Schedule "A"** and entitled 'Approximate Outline of the Historic Area'.
- 3.5 The Approximate Outline of the Historic Area is attached strictly for illustrative purposes and shall not affect the interpretation or determination of the actual Historic Area. In determining the actual Historic Area, the detailed written descriptions in Section 2 of this bylaw shall govern.
- 3.6 The historical character of the Historic Area is hereby described in the attached **Schedule "F"**, entitled the 'Historic Area Statement of Significance'.
- 3.7 The Historic Area is hereby designated as a Municipal Historic Area as defined in the Act.

#### 4. REGULATED PORTIONS

- 4.1 The specific elements of the Historic Area considered to possess historical character are specifically described and identified in the attached **Schedule "G"**, entitled, 'The Regulated Portions of the Historic Area', and are hereby known as the "Regulated Portions".
- 4.2 Council considers the preservation of the Regulated Portions to be in the public interest.

#### 5. REPAIRS AND REHABILITATION OF REGULATED PORTIONS

- 5.1 Subject to **Schedule "G"**, no person shall destroy, disturb, alter, restore or repair or otherwise affect the Regulated Portions unless that person has obtained the prior written approval of the County's Chief Administrative Officer (CAO) or their designate.
- 5.2 Departments of Smoky Lake County may carry out any and all work that is necessary or desirable, in the opinion of the CAO or their designate, for the operation, maintenance, inspection, construction, installation, repair, upgrade, or replacement of any municipally owned lines, utilities, facilities, infrastructure, roads, vegetation, or Buildings located on, under, or over the Regulated Portions and for which that particular department is responsible.
- 5.3 When considering any application under this Section, the CAO shall take into consideration the terms of the 'Standards and Guidelines for the Conservation of Historic Places in Canada' (as replaced or amended from time to time) as referenced and summarized in the attached **Schedule "H"** entitled 'Standards and Guidelines for the Conservation of Historic Places in Canada'.

#### 6. NON-REGULATED PORTIONS OF THE HISTORIC AREA

- 6.1 All portions or features of the Historic Area which are not specifically described or identified as Regulated Portions (the "Non-Regulated Portions"), even if such portion is a character-





defining element of the Historic Area, may be disturbed, altered, restored, repaired, or otherwise affected provided that such action does not impact the Regulated Portions and that all permits or approvals required to do such work have been obtained from the authority having jurisdiction. Without limiting the generality of the foregoing definition of Non-Regulated Portions, the following portions or features of, or infrastructure within, the Historic Area are considered Non-Regulated Portions:

- (a) views of the river valley both up and down river;
- (b) the surface and subsurface materials of roads and alleys; or
- (c) any municipally owned lines, utilities, facilities, infrastructure, vegetation, or Buildings.

6.2 Any portion of the Historic Area that encroaches onto any adjacent land, other than land owned by Smoky Lake County, shall be considered Non-Regulated Portions. Any portion of any Building that encroaches onto the Historic Area shall not be affected by this Bylaw.

## 7. COMPENSATION

7.1 No compensation pursuant to the Act or otherwise is owing to the owner of the Historic Area or any other person.

## 8. RECITALS AND SCHEDULES

8.1 The recitals and Schedules:

**Schedule "A"** - Approximate Outline of The Historic Area

**Schedule "B"** - Surveys of Township Showing the Trail

**Schedule "C"** - Plans of Survey Showing the Trail

**Schedule "D"** - Consolidated Surveys of Township Showing the Extent of Trails in Smoky Lake County

**Schedule "E"** - Maps Showing the Carlton Trail as a Link of Connectivity Between Fort Garry (Winnipeg) and Fort Edmonton

**Schedule "F"** - The Historic Area Statement of Significance

**Schedule "G"** - Historic Ferry Sites

**Schedule "H"** - The Regulated Portions of The Historic Area

**Schedule "I"** - Standards and Guidelines for The Conservation of Historic Places in Canada

attached to this Bylaw form a part of it.

## 9. INTERPRETATION & SEVERABILITY

9.1 The headings in this Bylaw are for ease of reference only and are not intended to be considered in the construction or interpretation of this Bylaw.

9.2 The term "Building" has the same meaning given to that term in the Smoky Lake County Land Use Bylaw.

9.3 It is the intention of Council that each provision of this Bylaw shall be deemed independent of all other provisions herein.

9.4 Further, it is the intention of Council that if any provision of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the Bylaw is deemed valid and enforceable.

9.5 A reference to a statute or regulation or a provision thereof means the statute or regulation or provision as amended or superseded from time to time.

9.6 The administration of this bylaw shall be under the management and control of the Development Authority of Smoky Lake County.

#### 10. COMING INTO FORCE

10.1 This Bylaw comes into effect upon it receiving third reading.

READ A FIRST TIME IN COUNCIL THIS 30<sup>th</sup> DAY OF April, AD 2020.

READ A SECOND TIME IN COUNCIL THIS 30<sup>th</sup> DAY OF April, AD 2020.

READ A THIRD AND FINAL TIME IN COUNCIL 30<sup>th</sup> DAY OF April, AD 2020.

  
Craig Lukinuk  
Reeve

SEAL  
  
Cory Olikka  
Chief Administrative Officer

## SCHEDULE "A" APPROXIMATE OUTLINE OF THE HISTORIC AREA

The Historic Area is shown in **Green**.

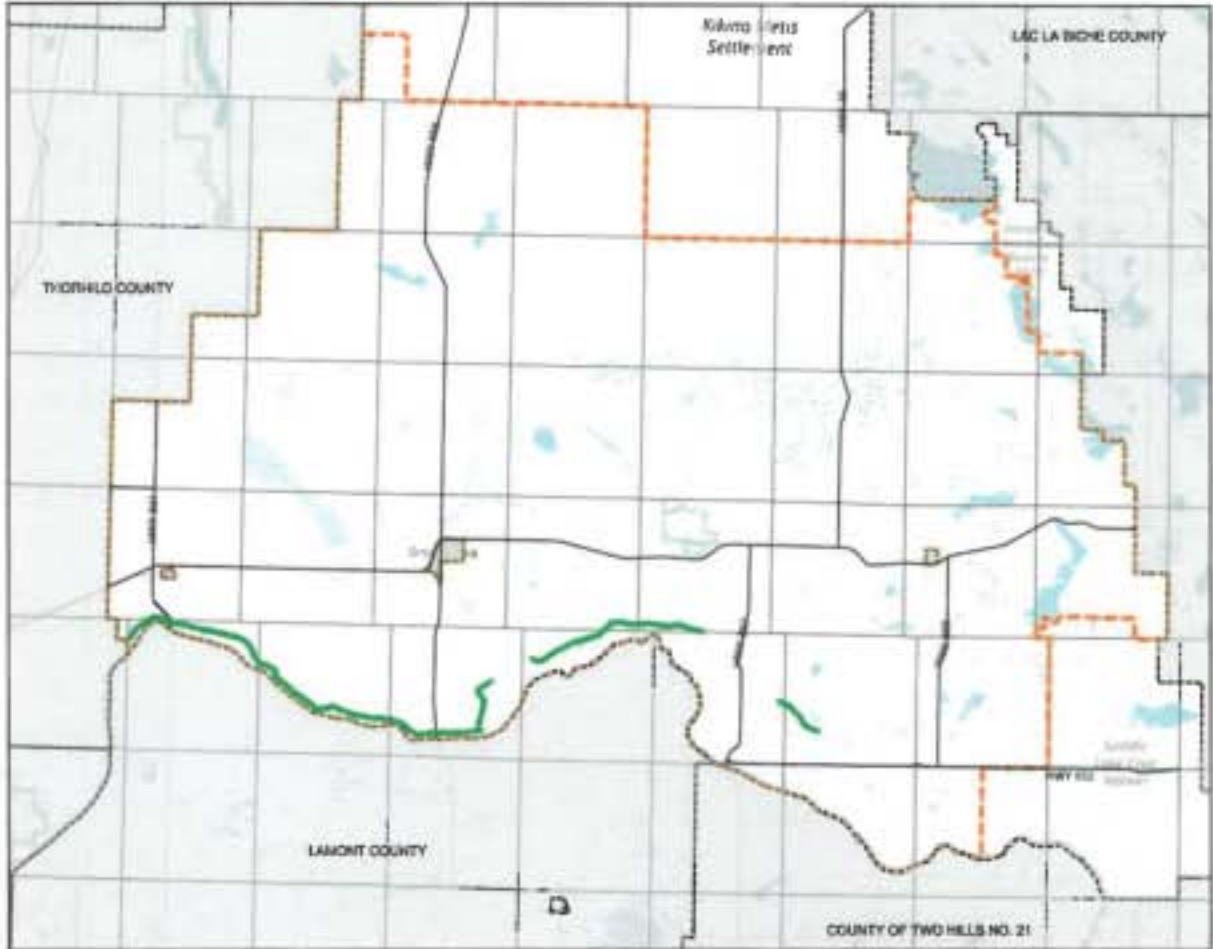


Fig 1



Fig 2



Fig 3





Fig 4



Fig 5

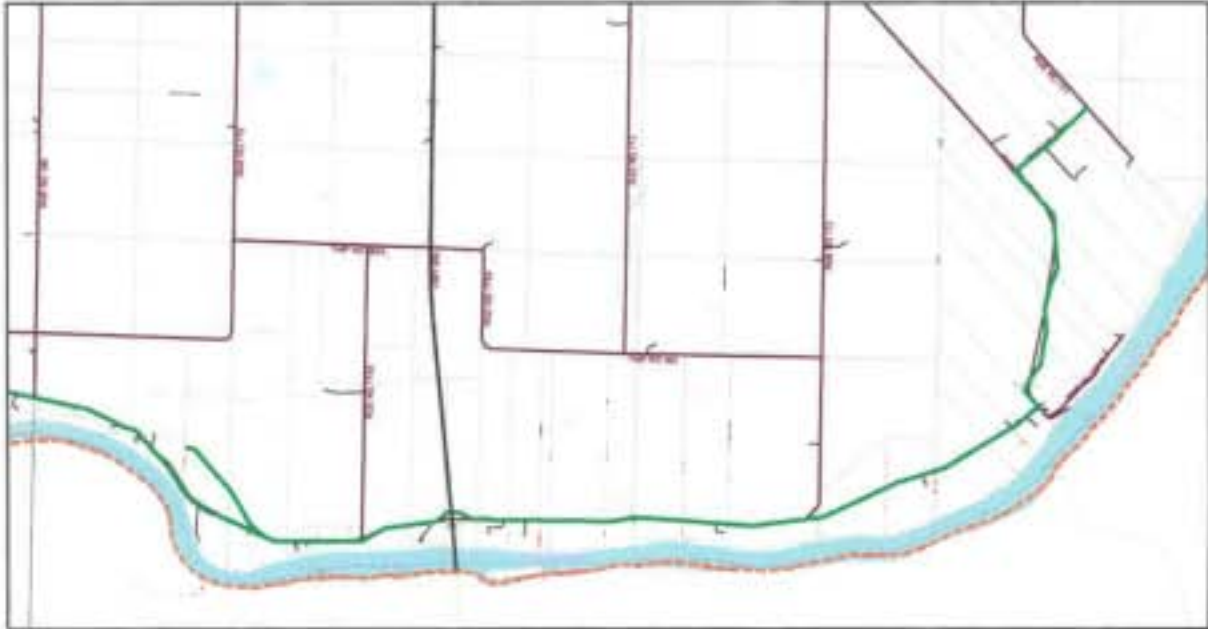


Fig 6

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Fig 7

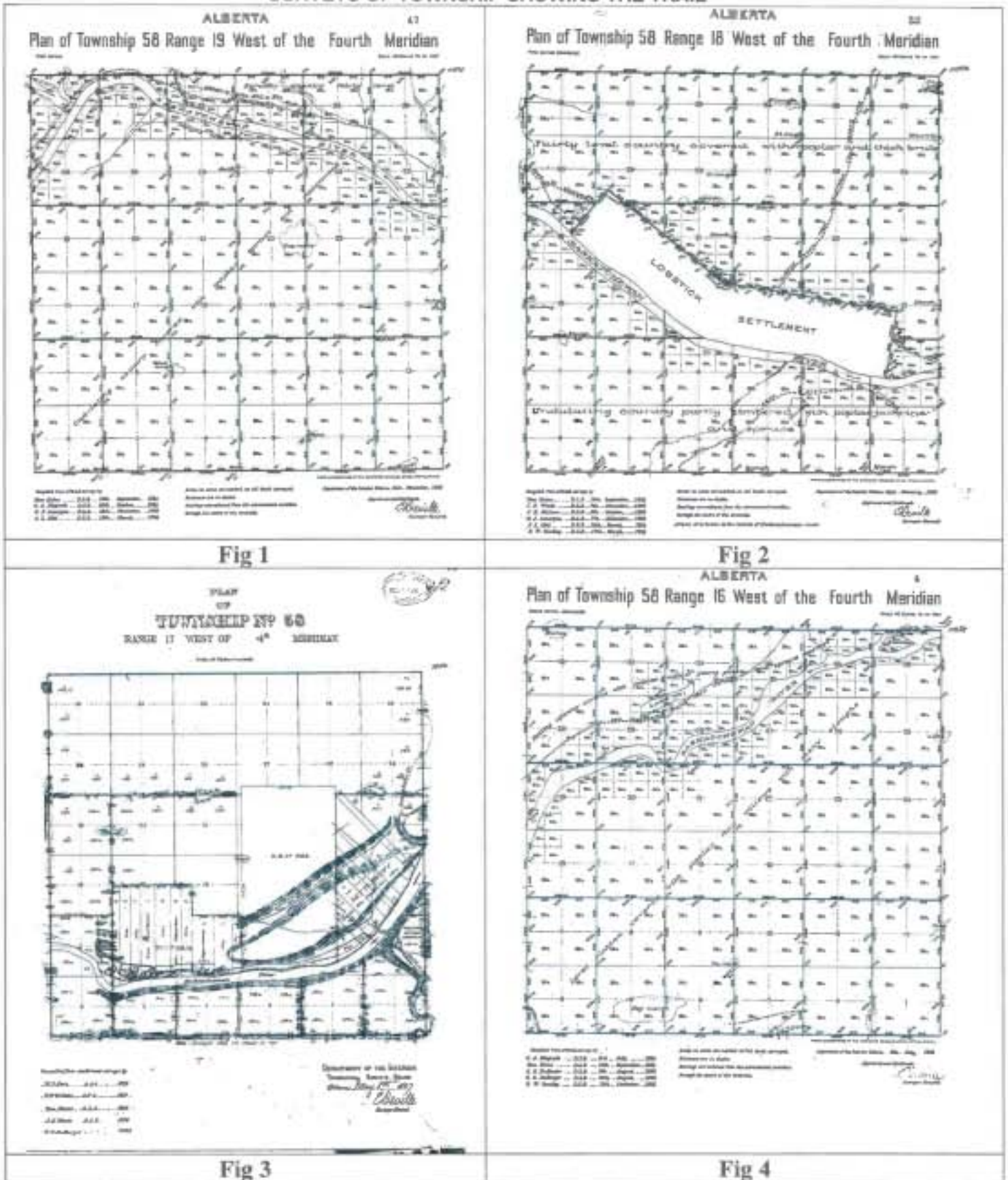


Fig 8



## SCHEDULE "B"

### SURVEYS OF TOWNSHIP SHOWING THE TRAIL



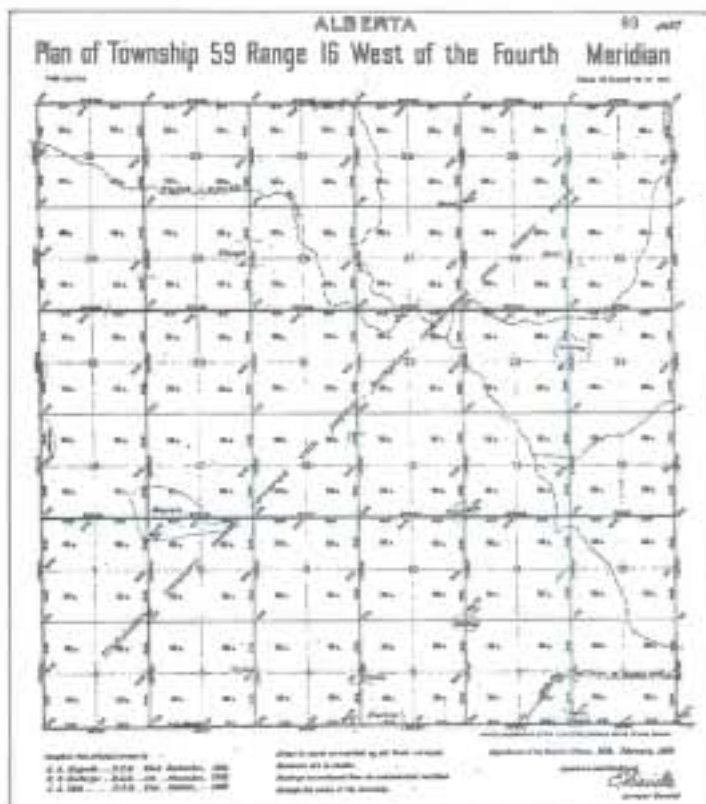



Fig 5



Fig 6

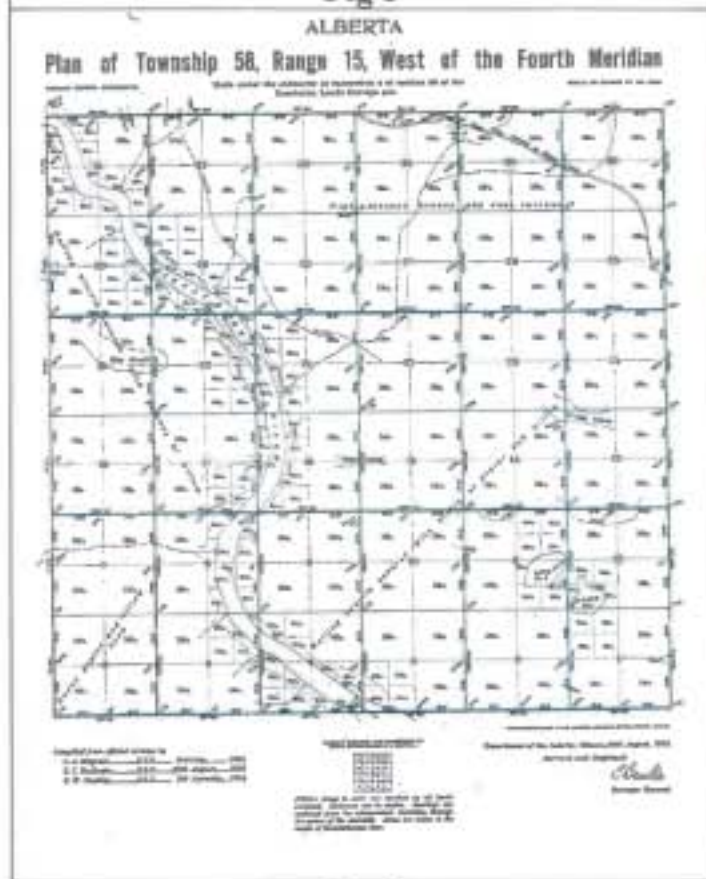


Fig 7

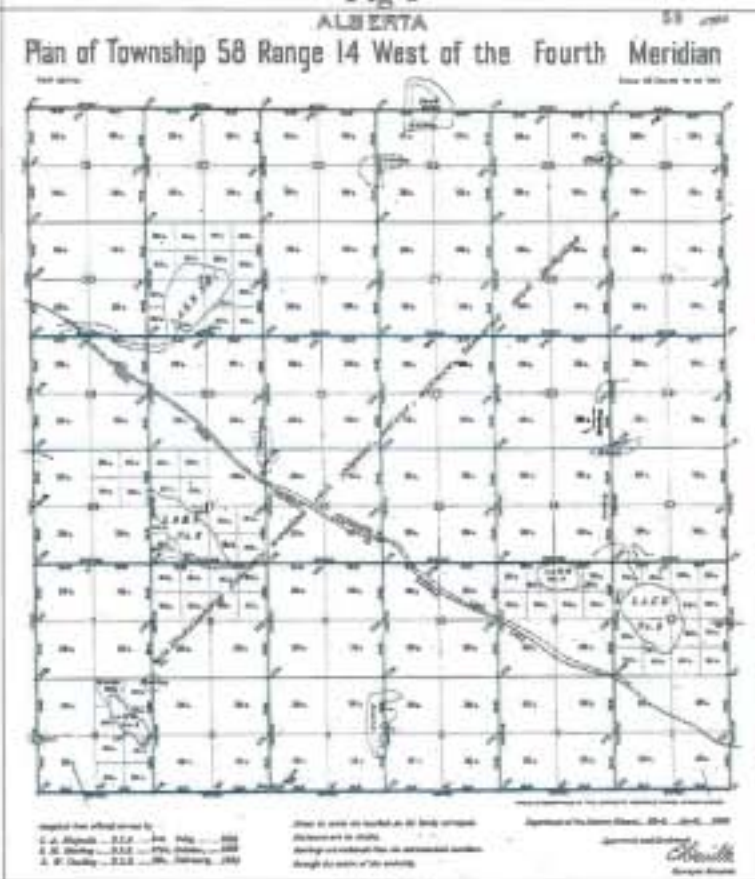
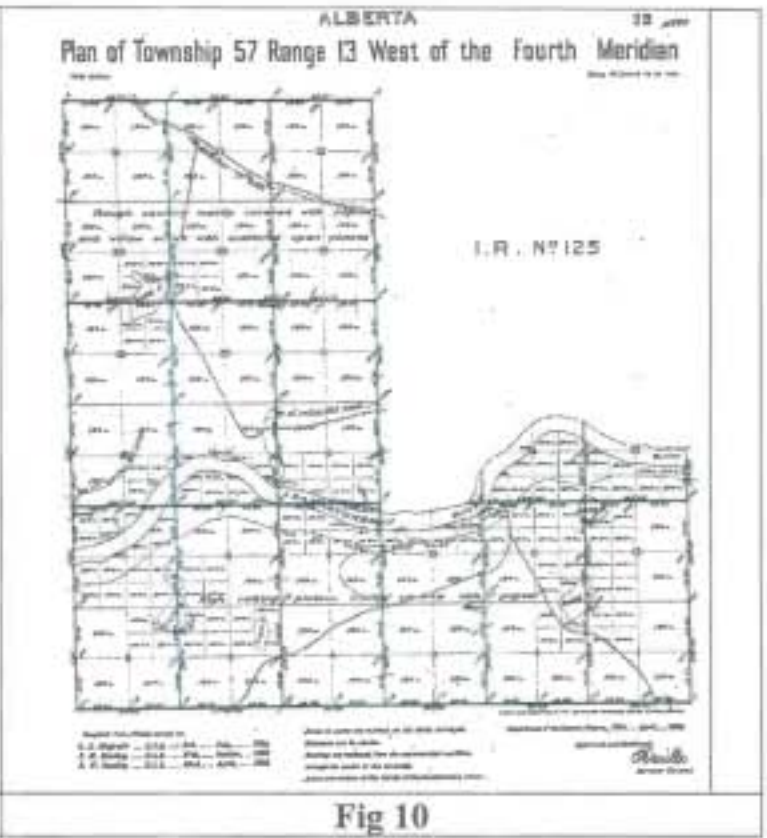
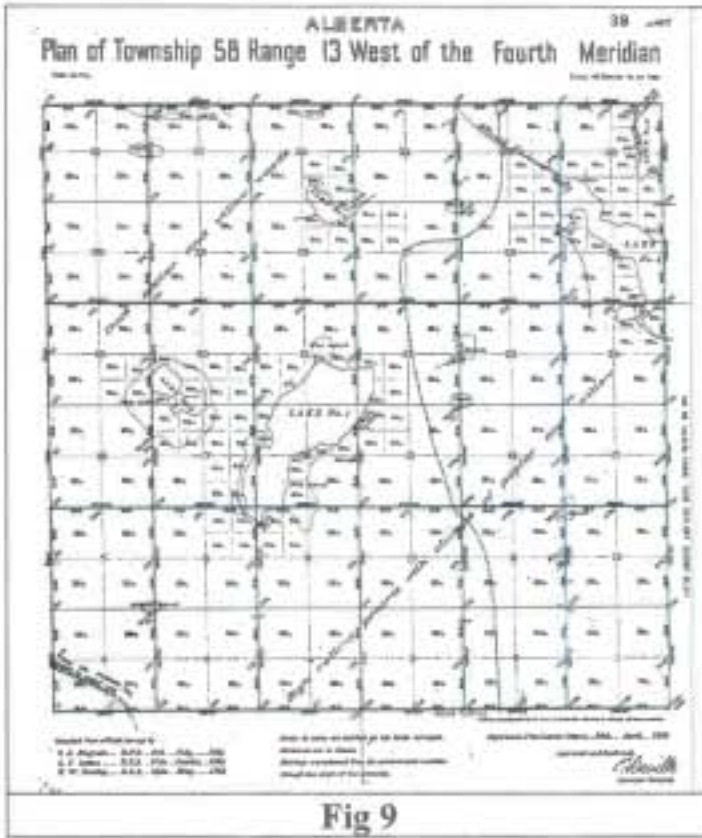


Fig 8





### SCHEDULE "C" PLANS OF SURVEY SHOWING THE TRAIL

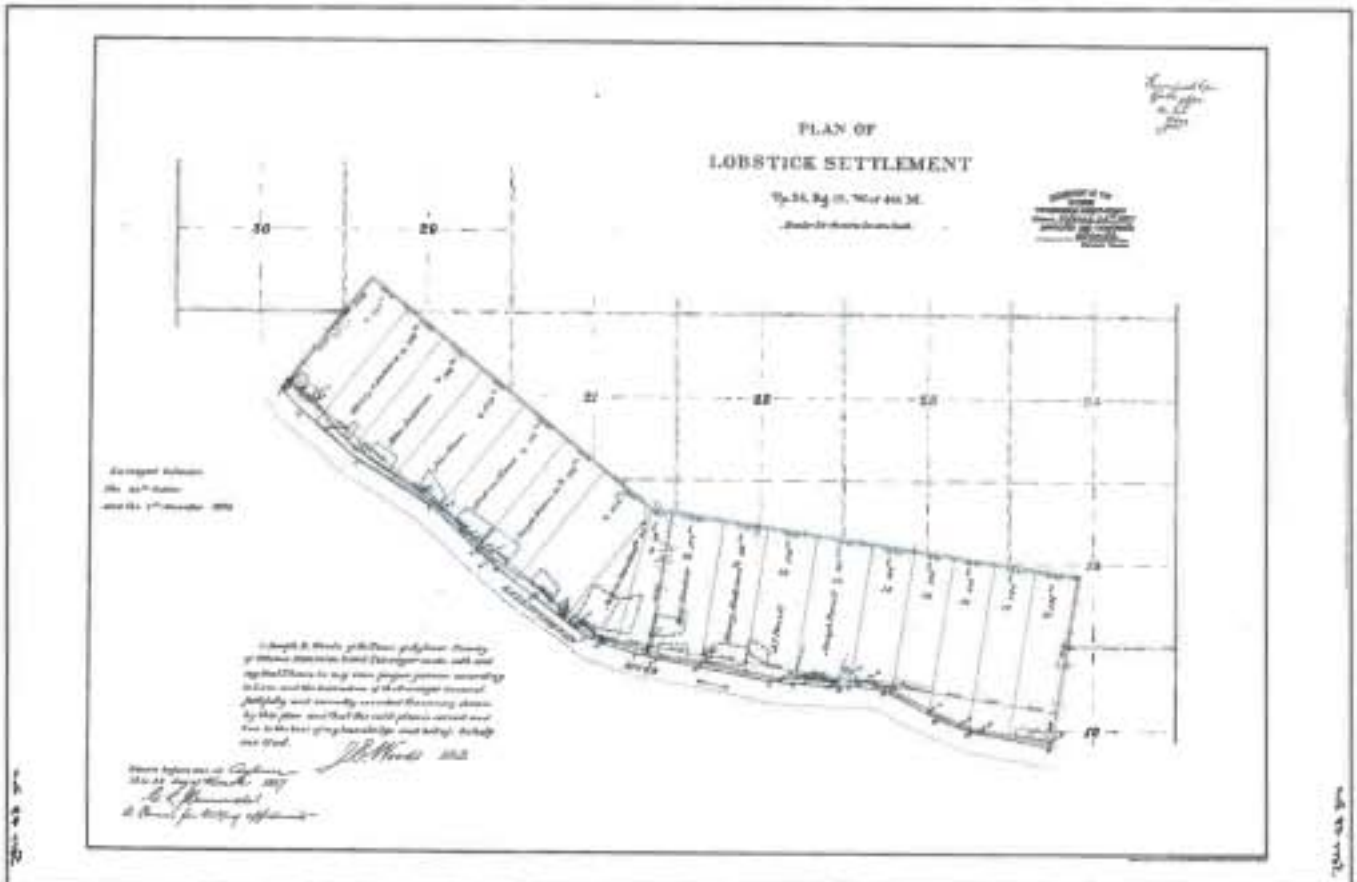


Fig 1

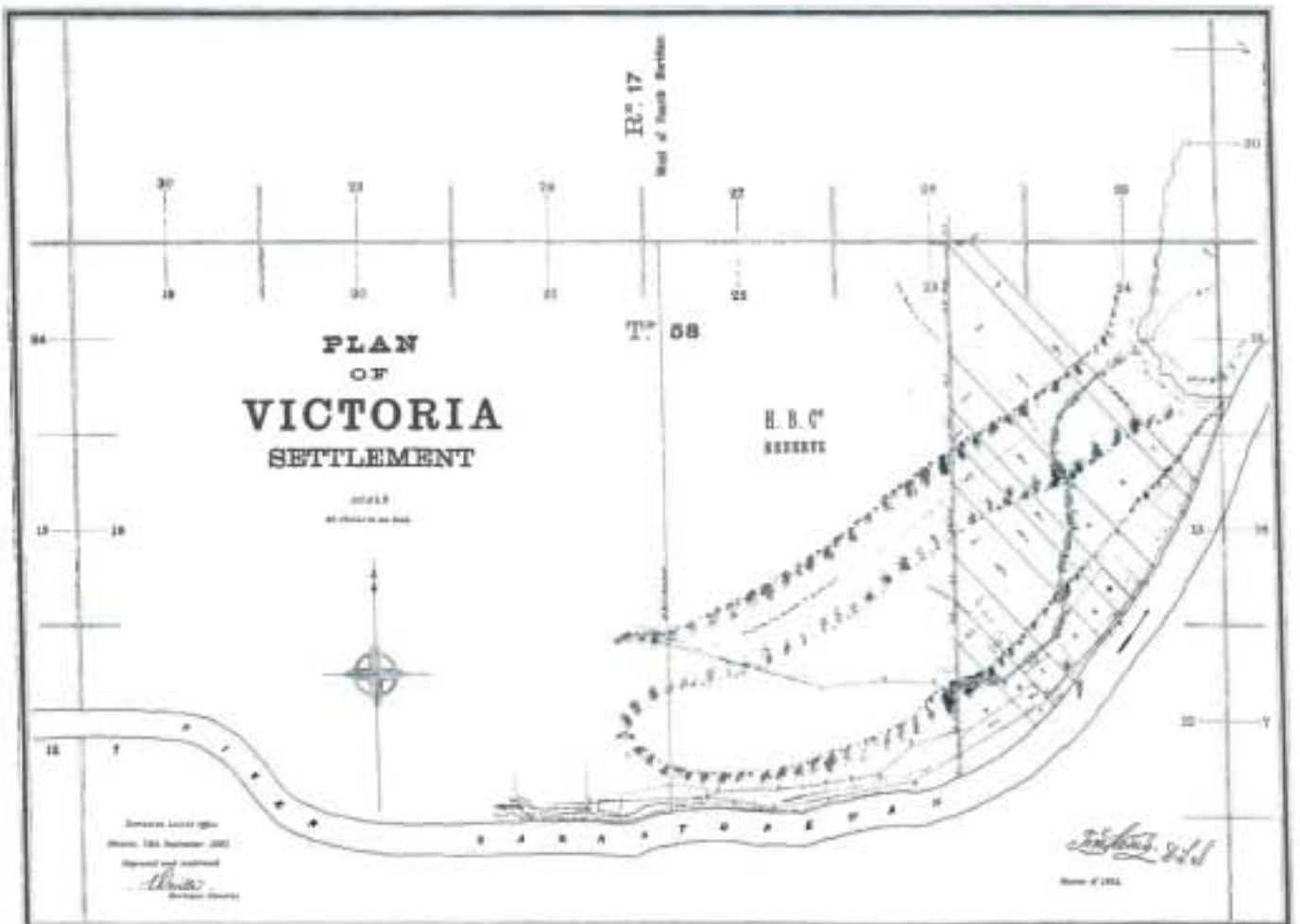


Fig 2



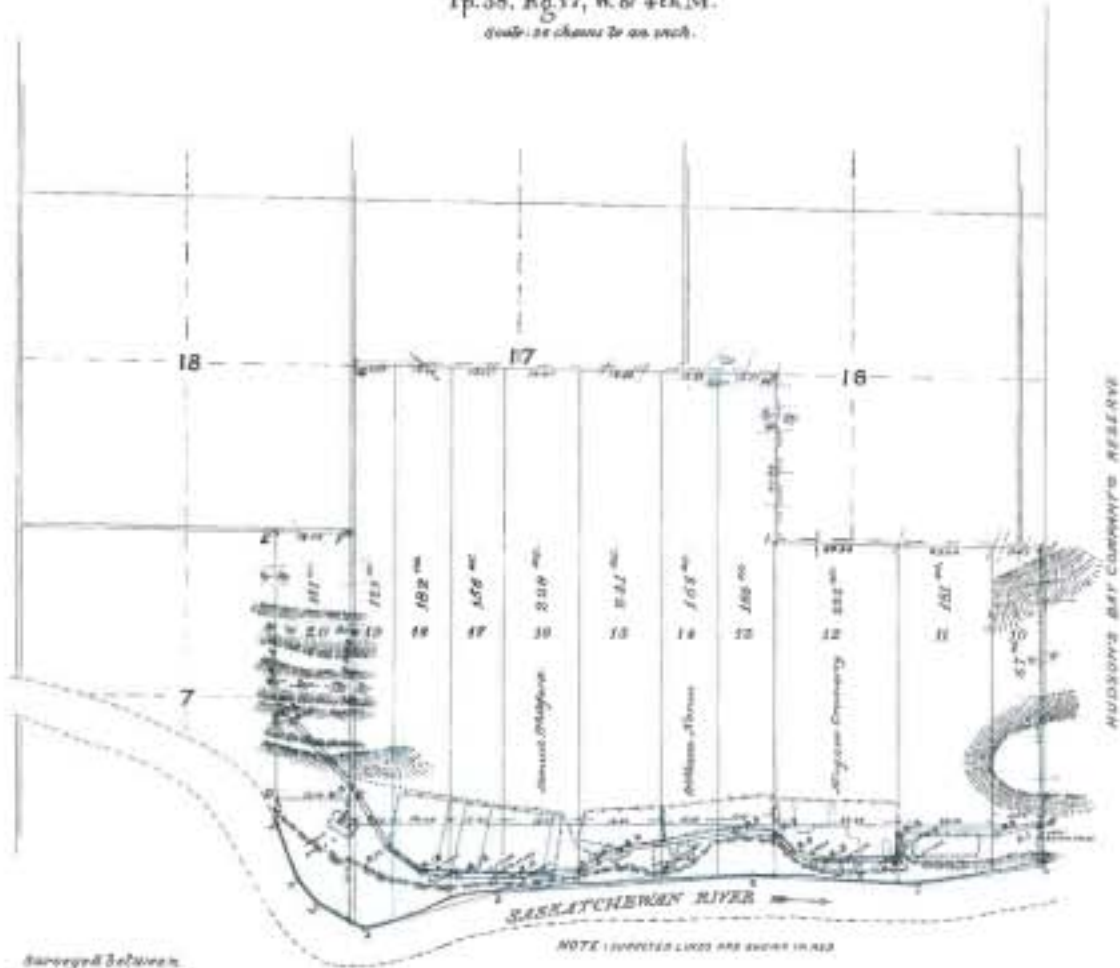
*copy by survey*

PLAN  
OF EXTENSION OF  
VICTORIA SETTLEMENT

EXAMINED

Tp. 58, Rg. 17, W. of 4th M.

Scale: as shown to one inch.



Surveyed between  
the 19<sup>th</sup>  
and the 27<sup>th</sup> October 1896

I Joseph E. Wood, of the Town of Sutherland County of Ottawa  
Provincial Land Surveyor, make oath and say that I have in my own pro-  
per person according to Law and the instructions of the Surveyor Ge-  
neral, faithfully and correctly executed the survey shown by this plan,  
and that the said plan is correct and true to the best of my  
knowledge and belief. So help me God.

Sworn before me at Regina  
this 25<sup>th</sup> day of March 1897

*L. H. Green*  
R. Green for taking affidavits

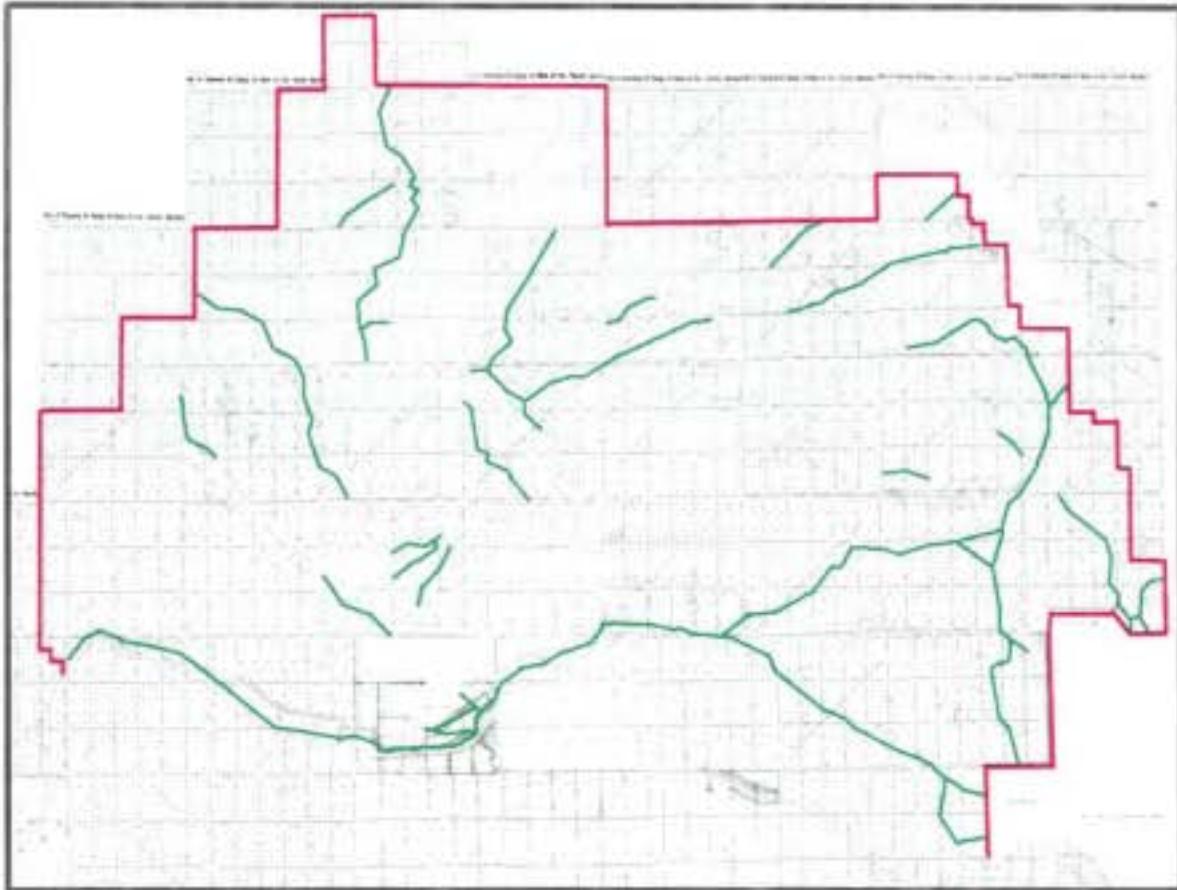
*J. E. Wood* JES

APPROVED AND  
CORRECTED  
BY THE SURVEYOR GENERAL  
OF CANADA  
this 25<sup>th</sup> day of March 1897  
APPROVED AND FORWARDED  
*Chas. H. ...*  
Surveyor General

Fig 3

*[Handwritten mark]*

**SCHEDULE "D"**  
**CONSOLIDATED SURVEYS OF TOWNSHIP SHOWING**  
**THE EXTENT OF TRAILS IN SMOKY LAKE COUNTY**



**Fig 1**

**NOTE:** Figure 1 of this Schedule was created by Smoky Lake County by consolidating a series of Survey of Townships obtained through Alberta Land Titles.

The **Red** line portrays the modern municipal boundary of Smoky Lake County.

The **Green** lines portray the network of trails throughout Smoky Lake County.

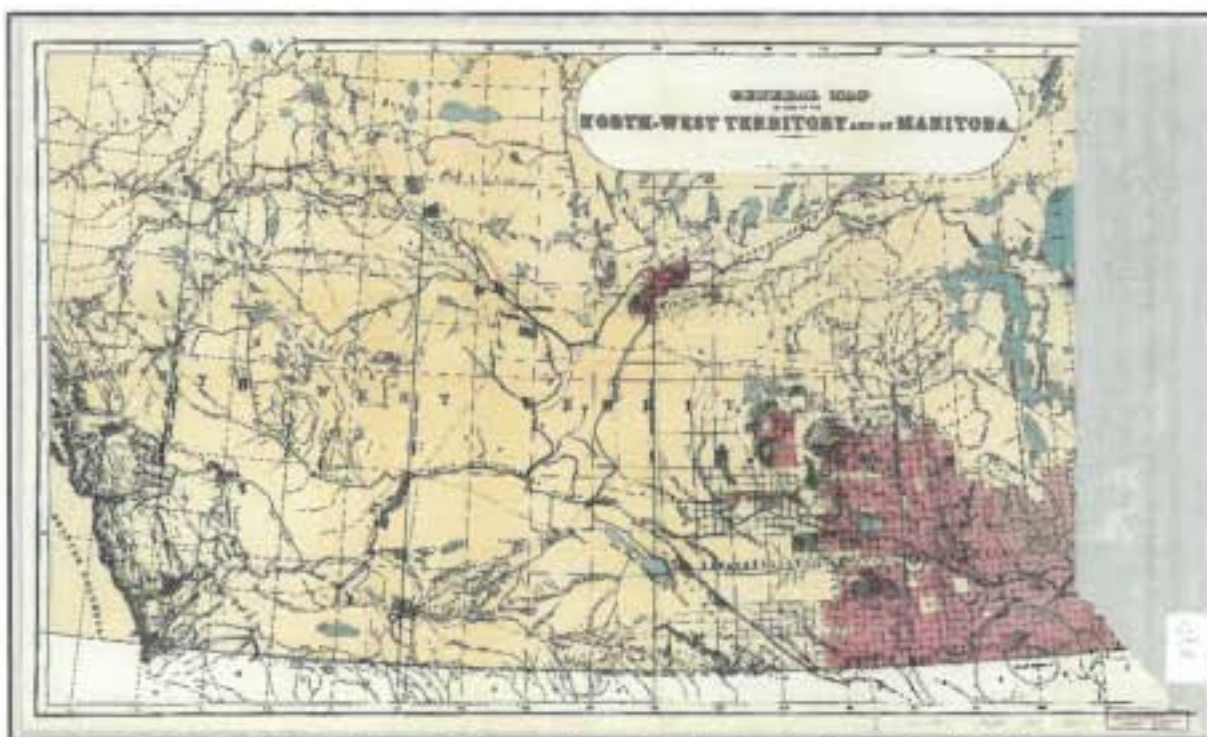
For a high-resolution image, or for more information, contact Alberta Land Titles or Smoky Lake County.

**SCHEDULE "E"**  
**MAPS SHOWING THE CARLTON TRAIL AS A LINK OF CONNECTIVITY**  
**BETWEEN FORT GARRY (WINNIPEG) AND FORT EDMONTON**



**Dominion of Canada General Map of Part of the North-West Territories  
including the Province of Manitoba (1883)**

**Fig 1**



**General Map of Part of the Northwest Territory and of Manitoba (1882)**

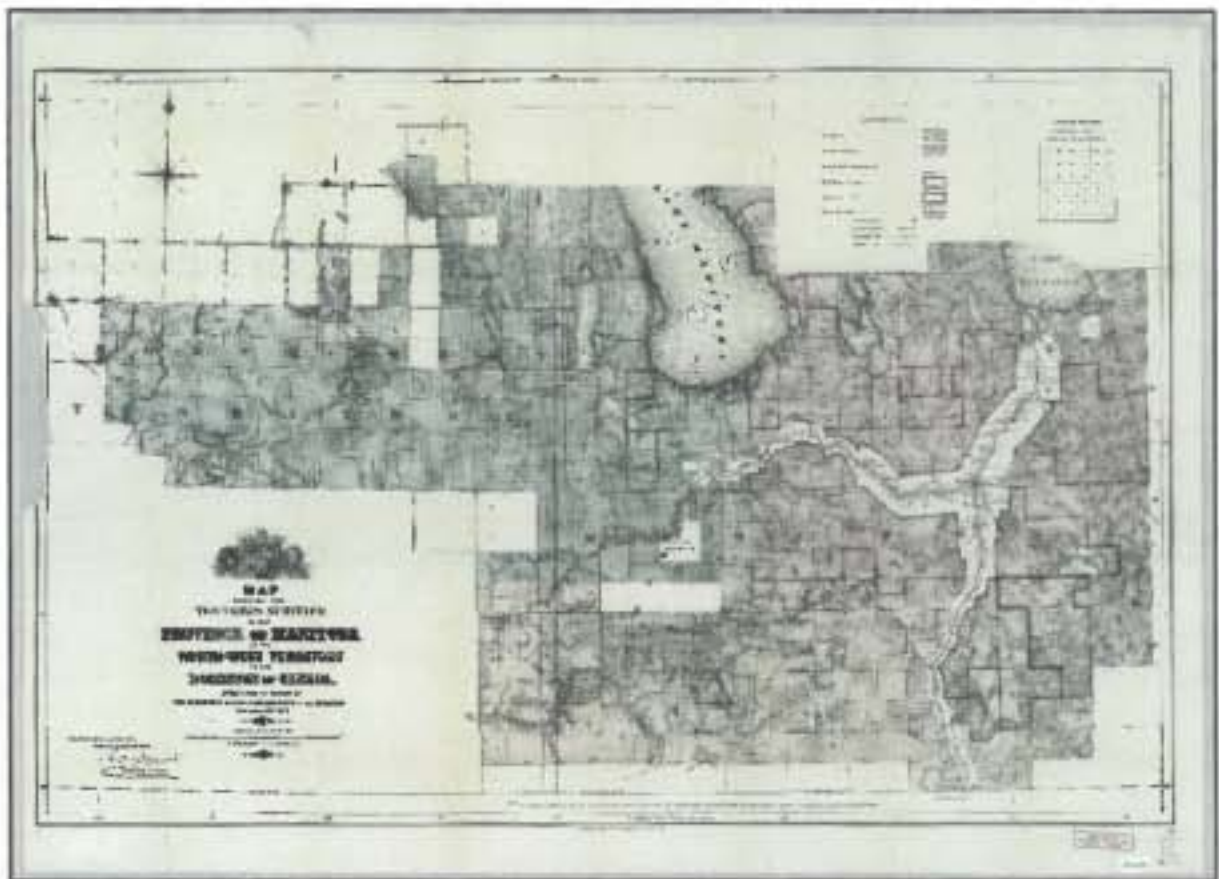
**Fig 2**





Map of Part of the North West Territory (1878)

Fig 3



Map Shewing the Townships Surveyed in the Province of Manitoba and North-West Territory in the Dominion of Canada (1874)

Fig 4

**NOTE:** Maps shown in Figures 1 – 4 of this Schedule were obtained through the University of Calgary Digital Library. For high-resolution images or more information, contact the University of Calgary or Smoky Lake County.

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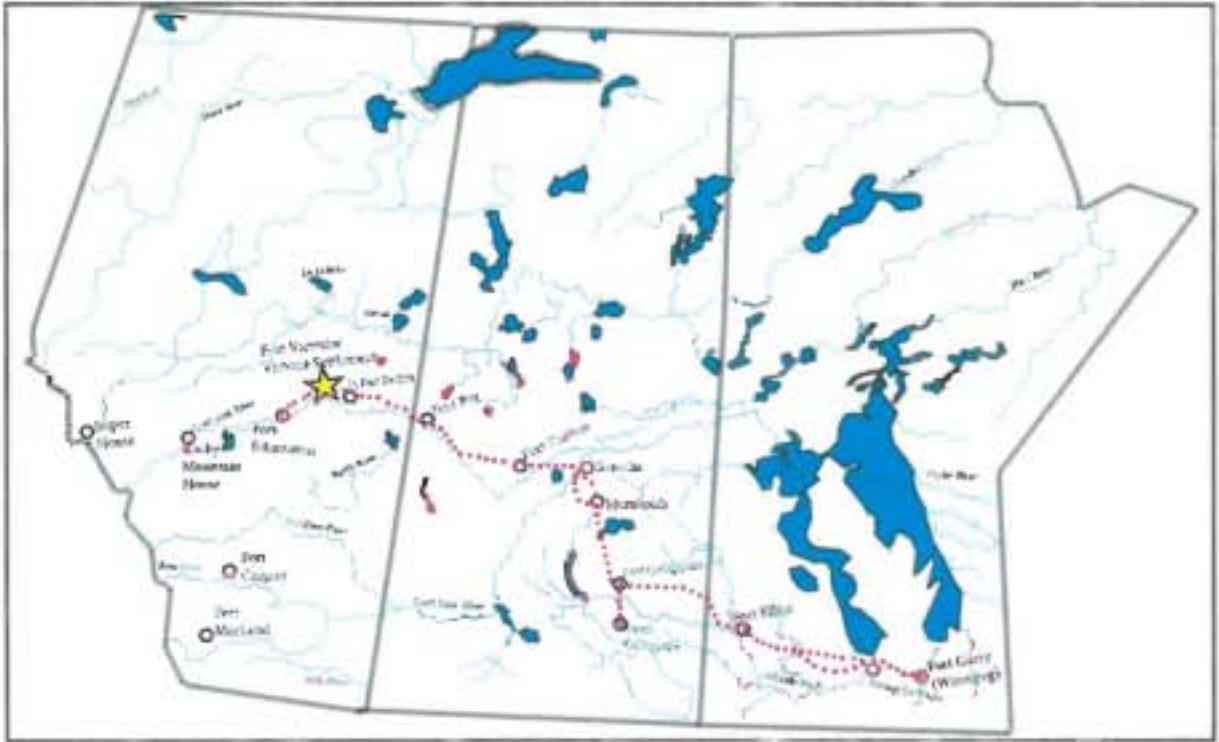


Fig 5

**NOTE:** Map shown in Figure 5 of this Schedule was generated by Smoky Lake County based on information obtained from 'The Carlton Trail' by R.C. Russell (1955). For more information, please contact Smoky Lake County.



**Red River Cart Monument at the Lobstick Settlement within the Victoria District. The Red River Cart was a major mode of transportation along the Victoria Trail**

Fig 7

## SCHEDULE "F" HISTORIC FERRY SITES

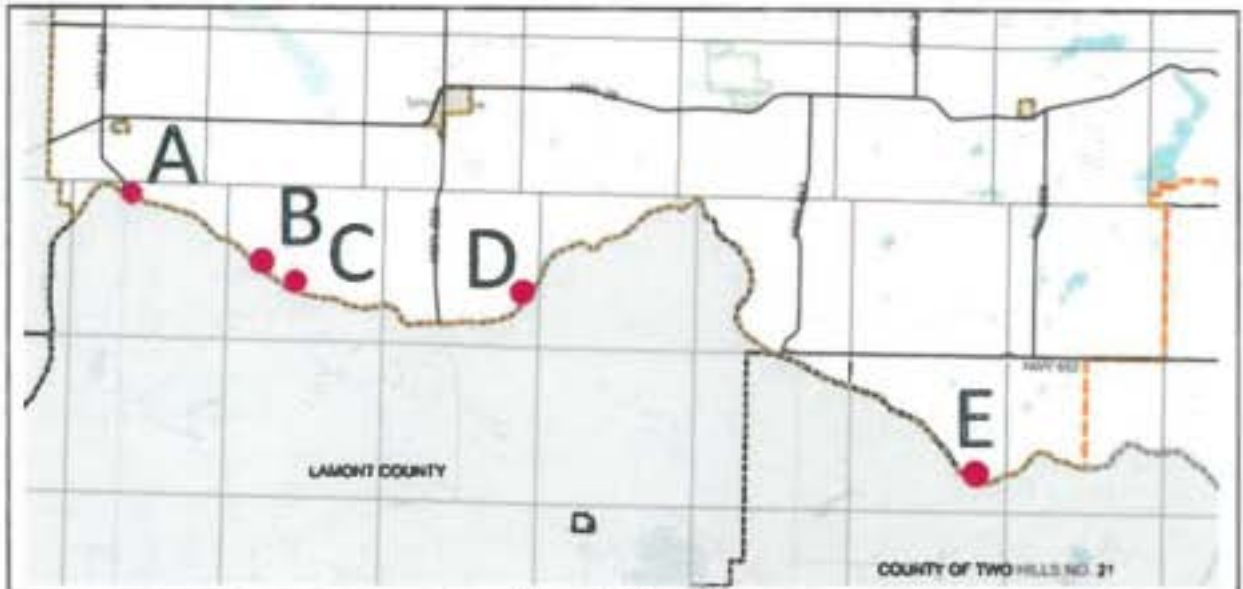
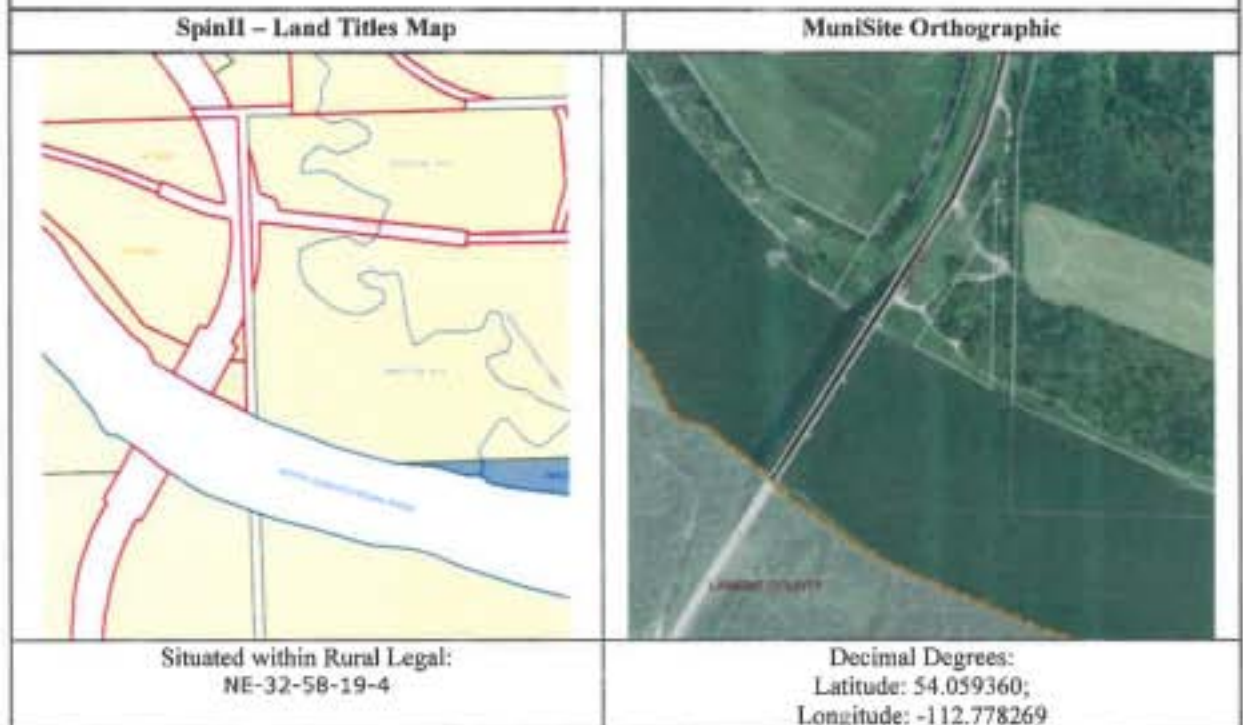


Figure 1 – Overview

The approximate Historic Ferry Sites are shown above in Red.

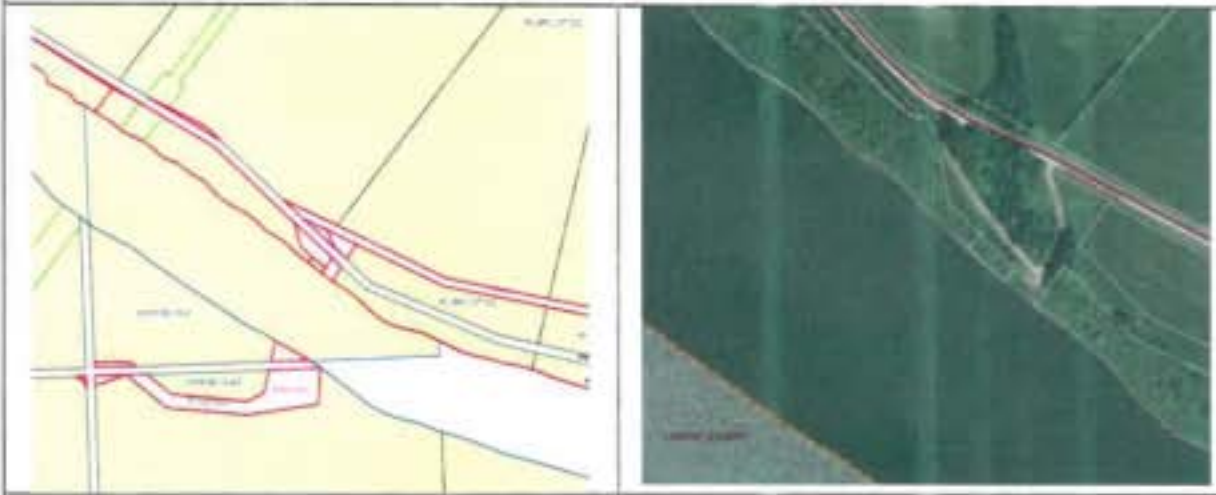
- A – Waskatenau Ferry (1921 – 1963)
- B – Warspite Ferry A (1920 – 1925)
- C – Warspite Ferry B (1925 – 1963)
- D – Victoria/Pakan Ferry (1892 – 1972)
  - Likely in operation prior, being the first ferry in Alberta/then-Northwest Territories
- E – Desjarlais Ferry (1901 – 1909, 1910 – 1962)

Figure A – Waskatenau Ferry Crossing





**Figure B - Warspite Ferry A**



Situated within Rural Legal:  
River Lots 7 and 8, 58-18-4

Decimal Degrees  
Latitude: 54.009123  
Longitude: -112.620270

**Figure C - Warspite Ferry B**



Situated within Rural Legal:  
River Lot 1-58-18-4

Decimal Degrees  
Latitude: 54.026733  
Longitude: -112.658782

**Figure D - Pagan/Victoria Ferry**



Situated within Rural Legal:  
River Lot 6-58-17-4

Decimal Degrees  
Latitude: 54.003092  
Longitude: -112.399299

Figure E – Desjarlais Ferry



Pakan Ferry, by Mary Mansfield (1930). Photo Courtesy of the Provincial Archives

Fig 1







**Fig 2**



**Pakan Ferry, by Nicholas W. Gavinchuk. (1928) Photo Courtesy of the Provincial Archives**

**Fig 3**



**SCHEDULE "G"**  
**THE HISTORIC AREA**  
**STATEMENT OF SIGNIFICANCE**  
**FIRST STREET SOUTH MUNICIPAL HISTORIC AREA**

**1. Description of Heritage Resource**

The original Victoria Trail transected what is today Smoky Lake County; only fragments of narrow, meandering road remain. For much of its extent, the trail runs close to the North Saskatchewan River, in forested and agricultural areas. Segments also fall within the Victoria District National Historic Site.

**2. Heritage Values:**

Established by First Nations people, the Victoria Trail is one of Alberta's oldest overland transportation routes. As a segment of the 900-mile Carlton Trail, it linked Fort Edmonton to Fort Garry (Winnipeg) by way of Victoria Settlement (Pakan). The trail was an important route for early European explorers, fur traders, Metis and settlers. Along this route, brigades of Red River carts carved their way across the frontier, etching the path of their wheels into the earth and carrying supplies and people to the region.

In 1869, Canada acquired Rupert's Land (the Northwest Territories) from the Hudson's Bay Company, opening the West for settlement and leading to increased traffic on the trail. In subsequent years, the North-West Mounted Police, the Canadian Militia and the Alberta Field Force also used the trail extensively, particularly during the 1885 Northwest Rebellion. The trail also facilitated the first regular mail route and the first telegraph line to Edmonton Settlement.

In 1891, the railway between Calgary and Edmonton was completed and the Canadian National Railway and Grand Trunk Pacific Railways were later established between 1909 and 1919. Though the trail was still used thereafter for local travel, it became increasingly hard to navigate as fencing began to go up on the farmland it crossed; if gates were not provided, travellers had to cut the fences.

Today, much of the trail has been abandoned and lost to time, making the still-existing portions of trail an especially significant resource.

This trail is significant for its association with the themes of transportation, the fur trade, aboriginal life, missionaries, and law enforcement in Smoky Lake County and across Western Canada.

**3. Character Defining Elements**

The character defining elements as expressed in the form, massing, and materials of this cultural landscape includes:

- Narrow and meandering path
- Graveled road surface
- Agricultural or forested surroundings

**Sources:**

- Victoria District Area Structure Plan (ASP) Bylaw 1305-17, Smoky Lake County
- Carlton Trail, R.C. Russell (1955)
- Agenda Paper 1972-3: The Fort Garry – Fort Edmonton Trail, National Historic Sites and Monuments Board of Canada (NHSMBC)
- Report 2011-CED-SDC-028: Alberta Field Force National Historic Event, National Historic Sites and Monuments Board of Canada (NHSMBC)
- Report 2010-CED-SDC-04: Victoria District National Historic Site, National Historic Sites and Monuments Board of Canada (NHSMBC)



## **SCHEDULE "H"**

### **THE REGULATED PORTIONS OF THE HISTORIC AREA**

The purpose of this Schedule is to identify by written description and photograph, those portions of the area known as the Victoria Trail Municipal Historic Area, which specifically must be preserved.

1. None of the Historic Area identified in this Bylaw shall be treated as Regulated Portions.
2. Regulations concerning land use, development, viewscales, and maintenance may be implemented through other statutory means such as but not limited to the:
  - a. Municipal Development Plan (MDP) 1249-12, or its equivalent
  - b. Land Use Bylaw (LUB) 1272-14, or its equivalent
  - c. Victoria District Area Structure Plan (ASP) Bylaw 1305-17, or its equivalent
3. For additional information about the Victoria Trail:
  - a. 'The Carlton Trail' by R.C. Russell (1955)
  - b. Commemorative Integrity Statement (2008), Parks Canada, Victoria District National Historic Site
  - c. Cultural Landscape and Inventory Analysis (2007), Parks Canada, Victoria District National Historic Site
  - d. Agenda Paper No. 1972-3: The Fort Garry – Fort Edmonton Trail (Saskatchewan or Carlton Trail), National Historic Sites and Monuments Board of Canada
  - e. Report No. 2010-CED-SDC-04, National Historic Sites and Monuments Board of Canada
  - f. 'Ferries and Ferryman' in Alberta by Elizabeth Haestie (1986)





## **SCHEDULE "I"**

### **STANDARDS AND GUIDELINES FOR THE CONSERVATION OF HISTORIC PLACES IN CANADA**

The primary purpose of the 2003 Standards and Guidelines for the Conservation of Historic Places in Canada ('Standards and Guidelines') is to provide sound, practical guidance to achieve good conservation practice. They are used to assess proposed changes to designated Municipal Historical Resources and Municipal Historic Areas and form the basis for review and assessment for the approved rehabilitation program.

The Standards and Guidelines were developed by Parks Canada and have been adopted as national standards for the conservation of designated historic structures. They provide a philosophical consistency for project work; and while neither technical nor case-specific, they provide the framework for making essential decisions about those features of a historic place, which should be maintained and can be altered.

#### **The Standards and Guidelines**

The Standards and Guidelines are not presented in a sequential or hierarchical order, and as such, equal consideration should be given to each. All Standards and Guidelines for any given type of treatment must therefore be applied simultaneously to a project.

#### **General Standards and Guidelines (all projects)**

1. Conserve the heritage value of a historic place. Do not remove, replace, or substantially alter its intact or repairable character-defining elements. Do not move a part of a historic place if its current location is a character-defining element.
2. Conserve changes to a historic place which, over time, have become character-defining elements in their own right.
3. Conserve heritage value by adopting an approach calling for minimal intervention.
4. Recognize each historic place as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same Area that never coexisted.
5. Find a use for a historic place that requires minimal or no change to its character-defining elements.
6. Protect and, if necessary, stabilize a historic place until any subsequent intervention is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbance of archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.
8. Maintain character-defining elements on an on-going basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in-kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.
9. Make any intervention needed to preserve character-defining elements physically and visually compatible and identifiable upon close inspection and document any intervention for future reference.

#### **Additional Standards and Guidelines Relating to Rehabilitation**

10. Repair, rather than replace, character-defining elements. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the historic place.

11. Conserve the heritage value and character-defining elements when creating any new additions to a historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to, and distinguishable from the historic place.
12. Create any new additions or related new construction so that the essential form and integrity of a historic place will not be impaired if the new work is removed in the future.

#### **Additional Standards and Guidelines Relating to Restoration**

13. Repair, rather than replace, character-defining elements from the restoration period. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
14. Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

#### **Standards and Guidelines**

The full text of the Standards and Guidelines for the Conservation of Historic Places in Canada is available from:

**Smoky Lake County**  
4612 McDougal Drive, Box 310  
Smoky Lake, AB T0A 3C0  
[www.smokylakecounty.ab.ca](http://www.smokylakecounty.ab.ca)



**Parks Canada National Office**  
25 Eddy Street  
Gatineau, Quebec K1A 0M5  
<https://www.historicplaces.ca/>

