

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1385-20**

A BYLAW OF THE MUNICIPALITY OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA, TO DESIGNATE SIX FORMER FERRY CROSSINGS ADJACENT THE NORTH SASKATCHEWAN RIVER AS A MUNICIPAL HISTORIC AREA.

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;

WHEREAS the Victoria District was designated a National Historic of Canada by Ministerial Order in 2001, on the recommendation of the National Historic Sites and Monuments Board of Canada (NHSMBC);

WHEREAS the Commemorative Integrity Statement (CIS) of 2008 identifies the North Saskatchewan River as the spiritual centre of Victoria District National Historic Site of Canada.

WHEREAS the Council of Smoky Lake County is of the opinion that certain municipally controlled portions of road allowance immediately adjacent to the North Saskatchewan River, as more particularly described in Section 2 of this bylaw, possess historical character and preservation of that historical character is in the public interest;

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

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;

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

1. TITLE

1.1 This Bylaw may be cited as the "**Former North Saskatchewan River Ferry Crossings 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.

2.5 "Ferry Crossing" means a site identified under this Bylaw which has formerly been utilized as a standard route for traversing the North Saskatchewan River.

2.6 "Municipal Historic Area" means a part of the County identified by this Bylaw under Section 27 of the Act.

2.7 "Road" means the definition under Section 1(1)(z) of the Alberta *Municipal Government Act*, R.S.A. 2000, Ch. M-26 and successive Acts and amendments thereto.

3. LAND DESIGNATED AS A MUNICIPAL HISTORIC AREA

3.1 For clarity, only the areas identified being encompassed by Smoky Lake County are designated as a Historic Area under this Bylaw.

3.2 For certainty, the Historic Area does **not** include or encompass any privately-owned lands.

3.3 Portions of the following comprise the Historic Area, inclusive as follows:

a. Desjarlais Ferry Site (within SE-11-57-14-4), 1901 – 1910 – 1962

Smoky Lake County, portions of - Road Plan 830 KS
Road Plan 3175 BM

Two Hills County, portions of - Road Plan 4082 CL
Road Plan 3175 BM

Note: A seventh ferry crossing (Paradis/Crooked Rapids, 1896-1900), was probably located on the river bend east of Victoria/Pakan and was replaced by the Desjarlais Crossing.

b. Pakan/Victoria Ferry Site (within NW-12-58-17-4 and River Lot 6 (Victoria Settlement)), 1892 – 1972

Smoky Lake County, portions of - Road Plan 782 2470
Road Plan 1357 CL

Lamont County, portions of - Road Plan 1208 CL

c. Shandro Ferry Site (within NW and NE-34-57-15-4), 1906 – 1962

Smoky Lake County, portions of - Road Plan 2245 JY
Road Plan 5022MC

Two Hills County, portions of - Road Plan 719 R

d. Warspite Ferry Site 'A' (within SW-16-58-4 and River Lot 8 (Lobstick Settlement)), 1920 – 1925

Smoky Lake County, portions of - Road Plan 5062 EO
Road Plan 2388 EO5

Lamont County, portions of - Road Plan 2353 MC

e. Warspite Ferry Site 'B' (within SE-19-58-18-4 and River Lot 1 (Lobstick Settlement)), 1925 – 1963

Smoky Lake County, portions of - Road Plan 2065 CL

Lamont County - Nil. (Road appears to have been closed)

f. Waskatenau Ferry (within NE-32-58-19-4), 1921 – 1963

Smoky Lake County, portions of - Road Plan 6060 CL
Road Plan 4486 TR, and lands encompassed by
Land Titles: 14J276, and 174G227

Lamont County - Nil.

3.4 The historical character of the Historic Area is hereby described in the attached **Schedule "A"**, entitled the 'Historic Area Statement of Significance'.

3.5 An approximate outline of the Historic Area is detailed in the attached **Schedule "B"**, entitled 'Approximate Outline of the Historic Area '.

4. DESIGNATION

4.1 The Historic Area identified under this Bylaw is hereby designated as a Municipal Historic Area as defined in the Act.

5. REGULATED PORTIONS

5.1 The specific elements of the Historic Area considered to possess historical character are specifically described and identified in the attached **Schedule "C"**, entitled, 'The Regulated portions of the Historic Area', and are hereby known as the "Regulated Portions".

5.2 Council considers preservation of the historical character of the Regulated Portions to be in the public interest.

6 REPAIRS AND REHABILITATION OF REGULATED PORTIONS

6.1 Subject to **Schedule "C"**, no person shall destroy, disturb, alter, restore or repair or otherwise affect the identified Regulated Portions unless that person has obtained the prior written approval of the County's Chief Administrative Officer (CAO) or their designate.

6.2 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.

6.3 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 "E"** entitled 'Standards and Guidelines for the Conservation of Historic Places in Canada'.

7 NON-REGULATED PORTIONS OF THE HISTORIC AREA

7.1 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.

7.2 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.

8 COMPENSATION

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

9 RECITALS AND SCHEDULES

9.1 The following recitals and Schedules are attached to and form a part of this Bylaw:

Schedule "A" – Statement of Significance

Schedule "B" – Approximate Outline of The Historic Area

Schedule "C" – Regulated Portions of The Historic Area

Schedule "D" – Plans of Survey and Images showing former Ferry Crossings

Schedule "E" – Standards and Guidelines for The Conservation of Historic Places in Canada

10 INTERPRETATION & SEVERABILITY

- 10.1 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.
- 10.2 The term "Building" has the same meaning given to that term in the Smoky Lake County Land Use Bylaw.
- 10.3 It is the intention of Council that each provision of this Bylaw shall be deemed independent of all other provisions herein.
- 10.4 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.
- 10.5 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.
- 10.6 The administration of this bylaw shall be under the management and control of the Development Authority of Smoky Lake County.


11 COMING INTO FORCE

- 11.1 This Bylaw comes into effect upon it receiving third reading.

READ A FIRST TIME IN COUNCIL, THIS 10th DAY OF DECEMBER, AD 2020.

READ A SECOND TIME IN COUNCIL, THIS 10th DAY OF DECEMBER, AD 2020.

READ A THIRD AND FINAL TIME WITH UNANAMOUS CONSENT IN COUNCIL, THIS 10th DAY OF DECEMBER, AD 2020.



Craig Lukinuk
Reeve



Gene Sobolewski
Chief Administrative Officer

SCHEDULE "A"
FORMER NORTH SASKATCHEWAN RIVER FERRY CROSSINGS
MUNICIPAL HISTORIC AREA
STATEMENT OF SIGNIFICANCE

Description of Heritage Resource

Within the Municipal Historic Area, there are six access points to the North Saskatchewan River that were sites for scow or ferry crossings during the 19th and early 20th centuries prior to widespread bridge construction which began post World War II. Primarily with picks, shovels, horses and wagons, early settlers accessing the shoreline at these places altered the natural topography to facilitate travel and connectivity between communities separated by the natural barrier of the river. Native trees and shrubs also often frame these sites.

Heritage Values:

Ferry crossings are significant because of the aesthetic, natural, cultural, spiritual and recreational values they embody. The crossings are a reminder that rivers can be obstacles as well as assets and they represent a significant heritage value because they speak to the enduring inter-community linkages important to early settlers.

In pre- and early settlement times, if people needed to cross the river, they chose a shallow place for fording. Ferry crossings were often established in the vicinity of these fords and, eventually, bridges joined the roadways serviced by the ferries. In this way, the river and ferry crossings influenced land-based transportation networks thereby affecting communication, trade, commerce, settlement patterns and religious/social life.

Ferry crossings became gathering places for social events such as corn/potato roasts, barbecues and square dances; the ferry deck was swept off for the dancing and tables of food were set up on the riverbank. Crossings were also convenient sites for river baptisms and berry pickers used the ferries in the autumn to access wild fruit on both sides of the river. Use of the crossings coincided with nature's cycles: winter freezing and spring break-up interrupted travel unless an ice bridge could be formed.

The natural landscape of terraces and slopes running toward the North Saskatchewan River at these sites also provides natural heritage value that complements the cultural landscape.

Character Defining Elements

- Physical nexus between land and water; proximity between the North Saskatchewan River, roads, trails, and communities such as the Victoria Trail Municipal Historic Area, Victoria Settlement, Warspite, Waskatenau, Smoky Lake, Saddle Lake, and Victoria District National Historic Site of Canada;
- Human or culturally modified topography of the riverbank; road/trail access and egress;
- Framed by foliage, vegetation, sometimes in proximity to berries, food-sources;

Sources:

- Smoky Lake County. *Victoria District Area Structure Plan (ASP) Bylaw 1305-17*, 2017. Print.
- North Saskatchewan Watershed Alliance. *The Story of this River is the Story of the West: Canadian Heritage Rivers System Background Study*, 2005. Print.
- Haestie, Elizabeth. *Ferries and Ferrymen in Alberta*. Calgary: Glenbow Museum, 1986. Print.
- Waskatenau Districts Historical Society. Corporate. *By River and Trail: The History of Waskatenau and Districts. Vol. 1* (1986). Web.

SCHEDULE "B"
APPROXIMATE OUTLINE OF THE HISTORIC AREA

The approximate Historic Ferry Sites are shown below in **Red**.

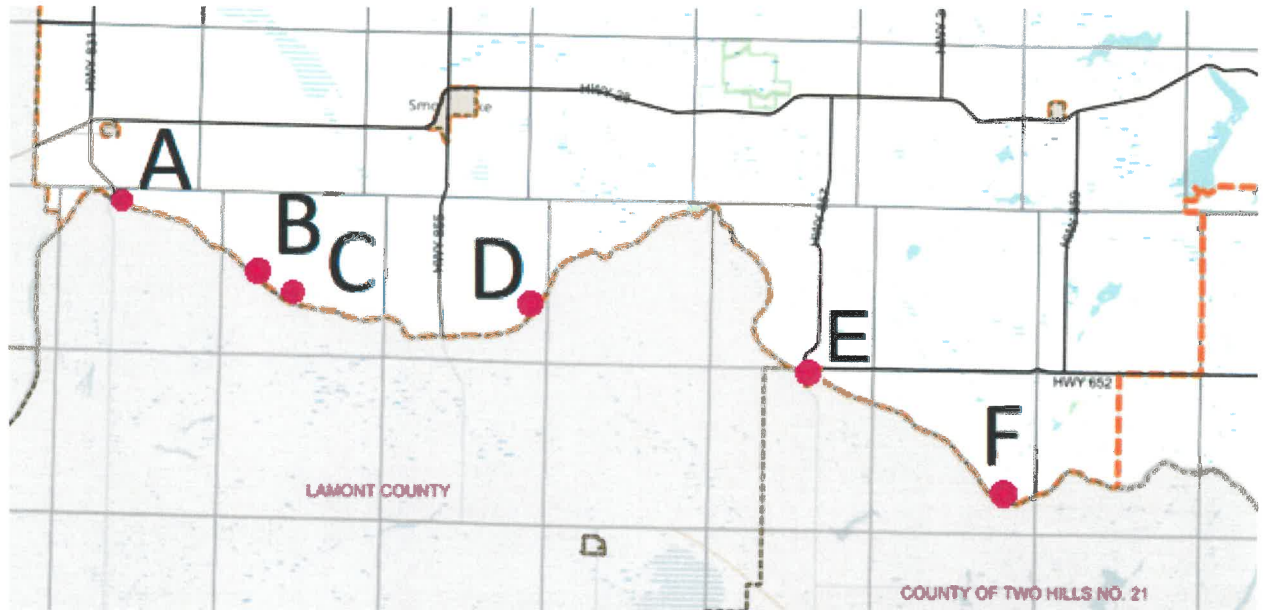


Figure 1 – Overview

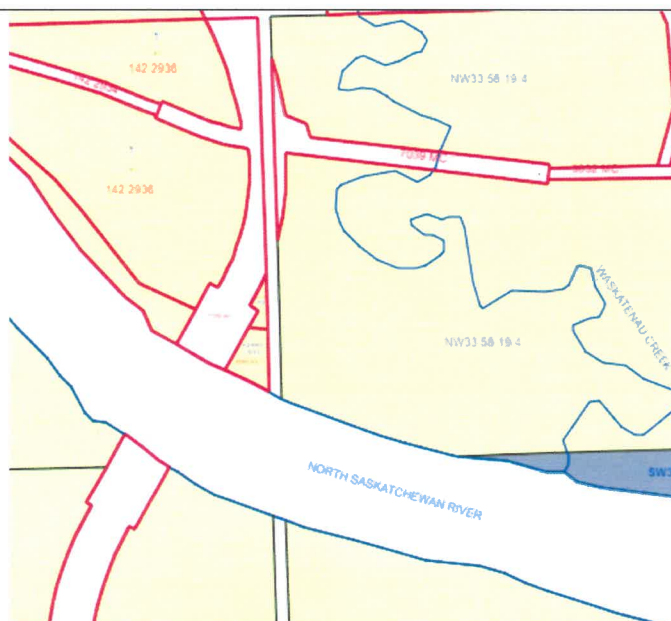
A. Waskatenau Ferry

Decimal Degrees:
Latitude: 54.059360;
Longitude: -112.778269

Situated within
Rural Legal:
NE-32-58-19-4



Smoky Lake County Munisite Orthographic



SpinII – Alberta Land Titles Map

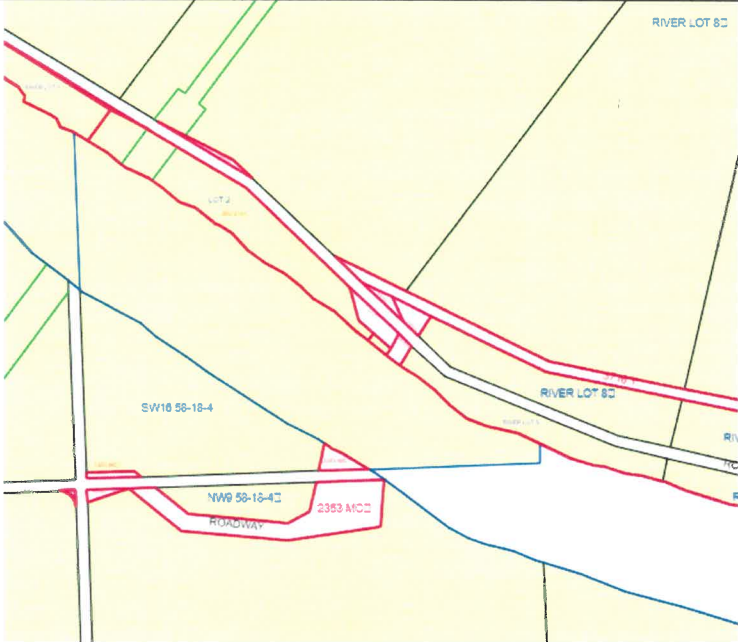
B. Warspite Ferry A

Decimal Degrees
Latitude: 54.009123
Longitude: -112.620270

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



Smoky Lake County Munisite Orthographic



SpinII – Alberta Land Titles Map

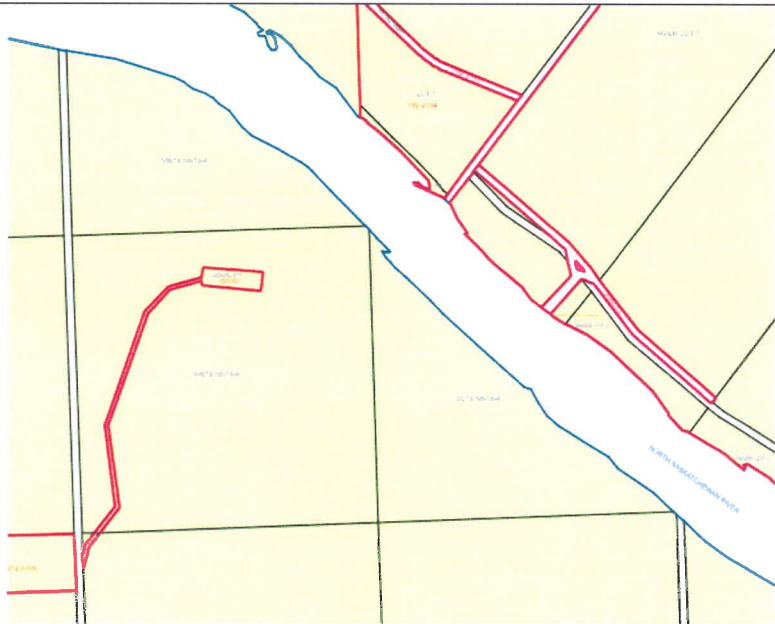
C. Warspite Ferry B

Decimal Degrees
Latitude: 54.026733
Longitude: -112.658782

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



Smoky Lake County Munisite Orthographic

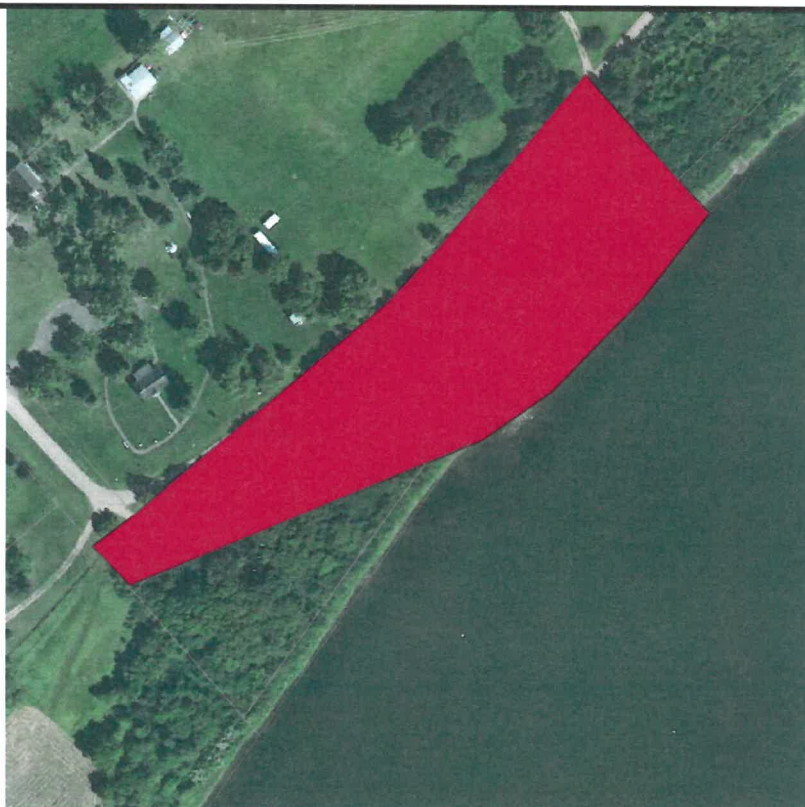


SpinII – Alberta Land Titles Map

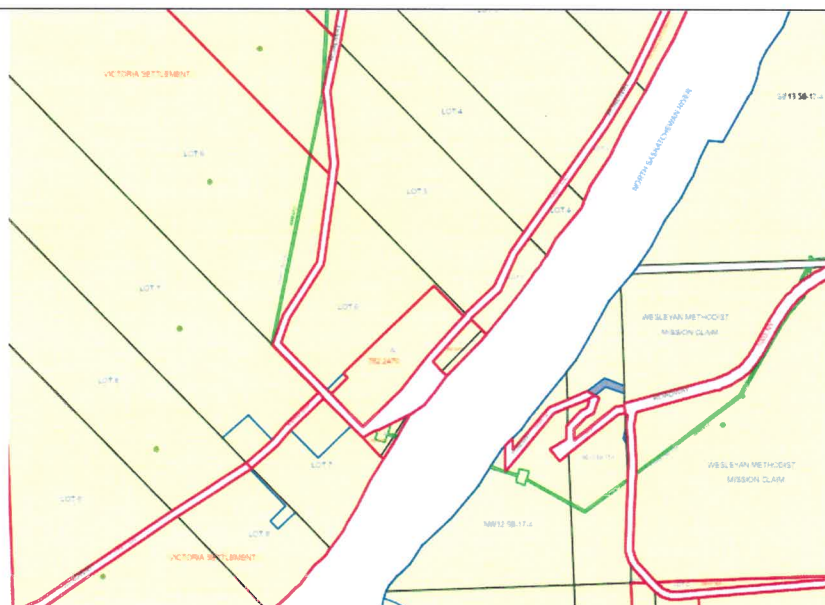
D. Victoria/Pakan Ferry

Decimal Degrees
Latitude: 54.003092
Longitude: -112.399299

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



Smoky Lake County Munisite Orthographic



SpinII – Alberta Land Titles Map

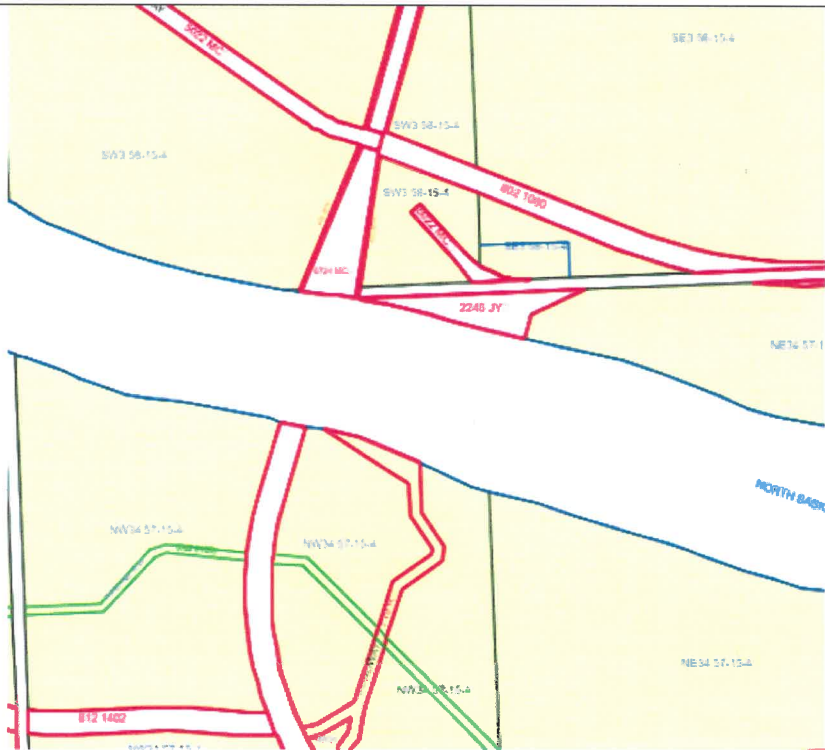
E. Shandro Ferry

Decimal Degrees
Latitude: 53.976692
Longitude: -112.147008

Situated within Rural
Legal: NW-34-57-15-4



Smoky Lake County Munisite Orthographic

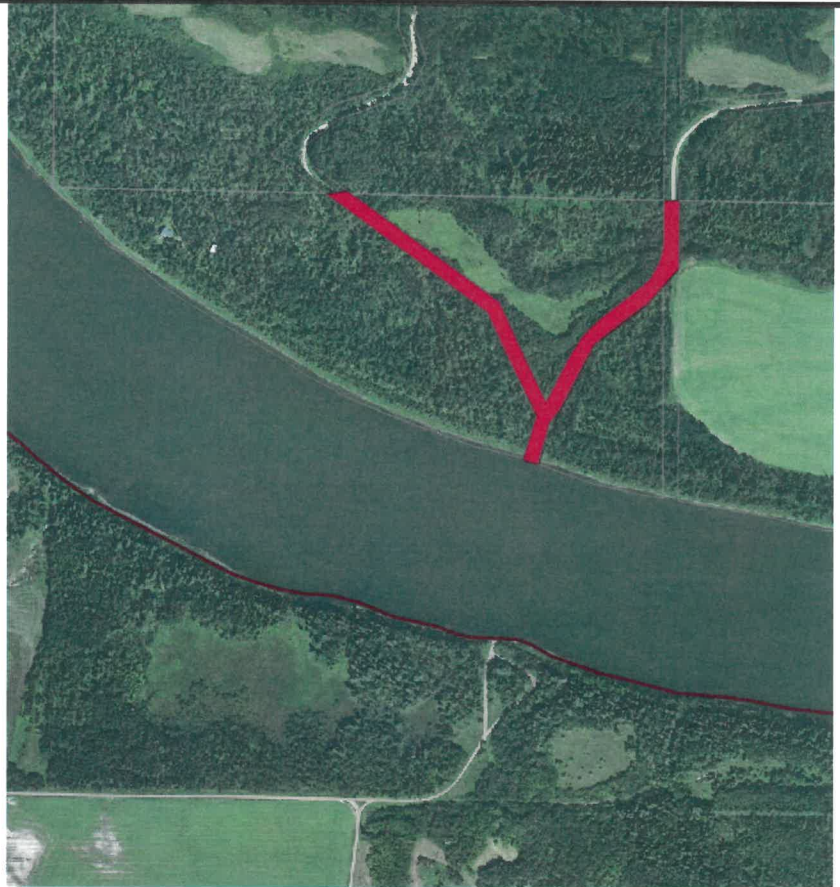


SpinII – Alberta Land Titles Map

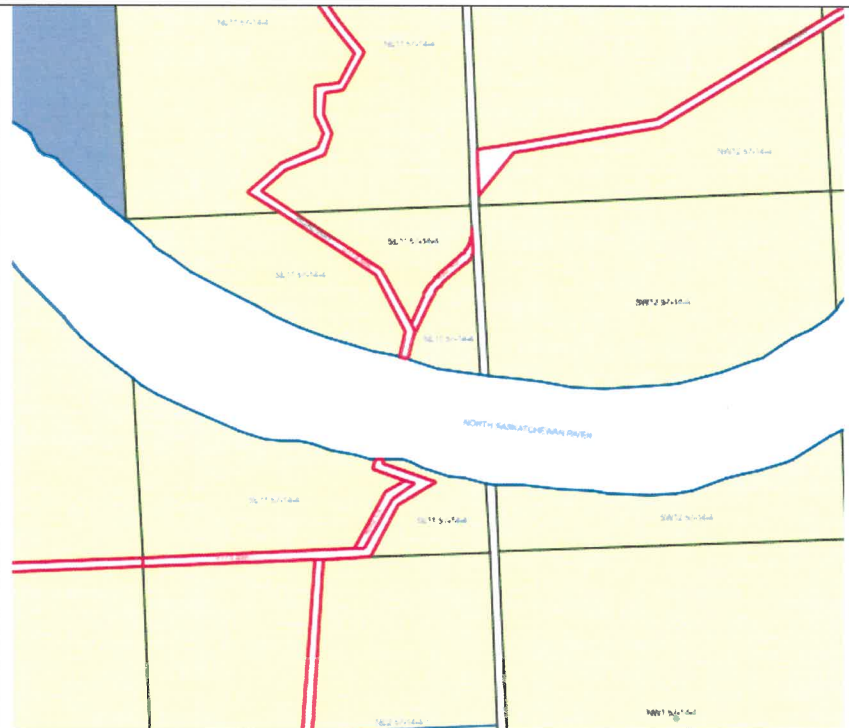
F. Desjarlais Ferry

Decimal Degrees
Latitude: 53.908537
Longitude: -111.963141

Situated within Rural
Legal: SE-11-57-14-4



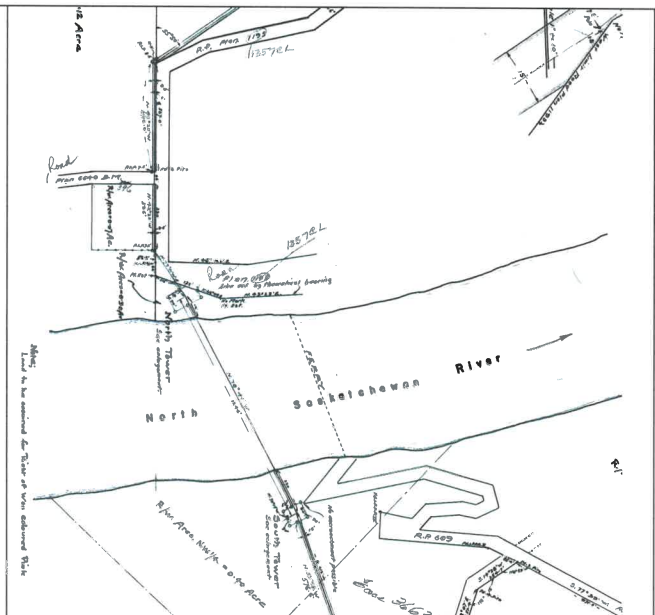
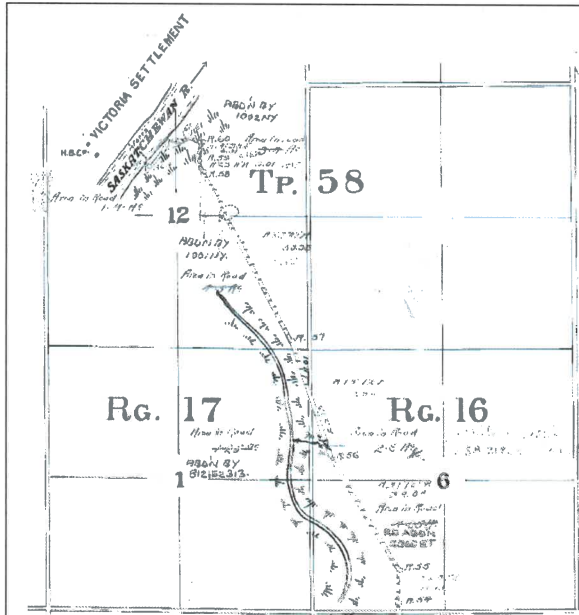
Smoky Lake County Munisite Orthographic



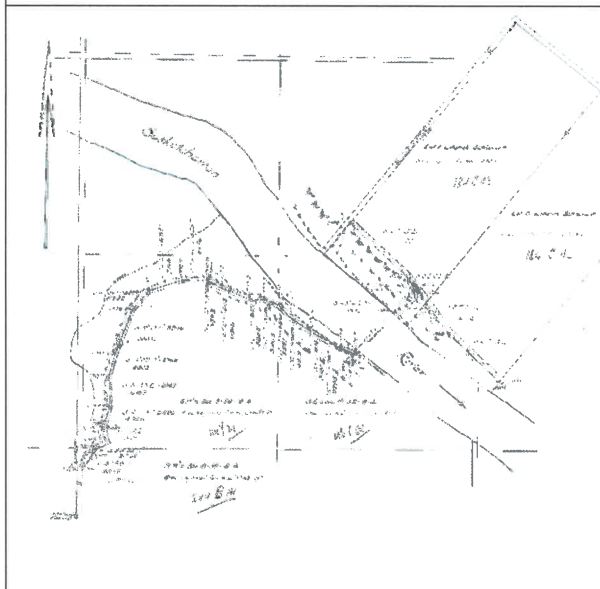
SpinII – Alberta Land Titles Map

SCHEDULE "C"

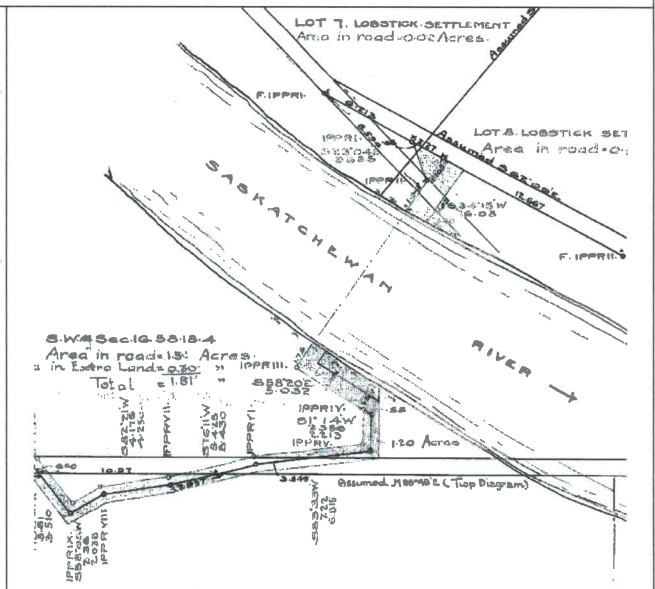
SELECTED SURVEYS AND IMAGES SHOWING THE FORMER FERRY CROSSING SITES



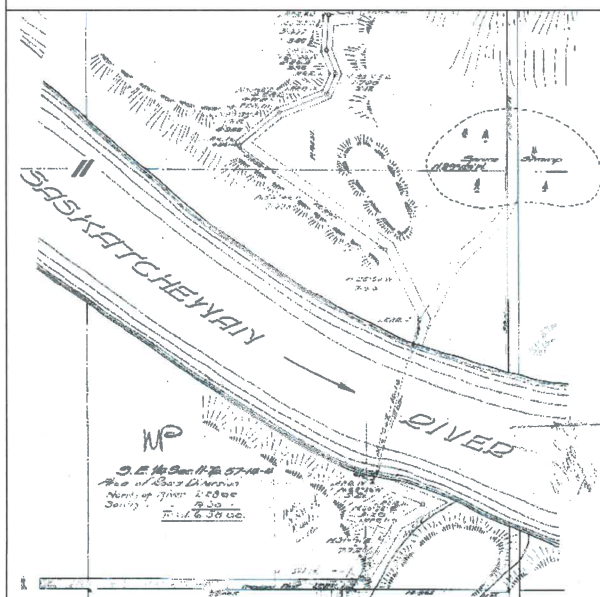
Pakan/Victoria Crossing



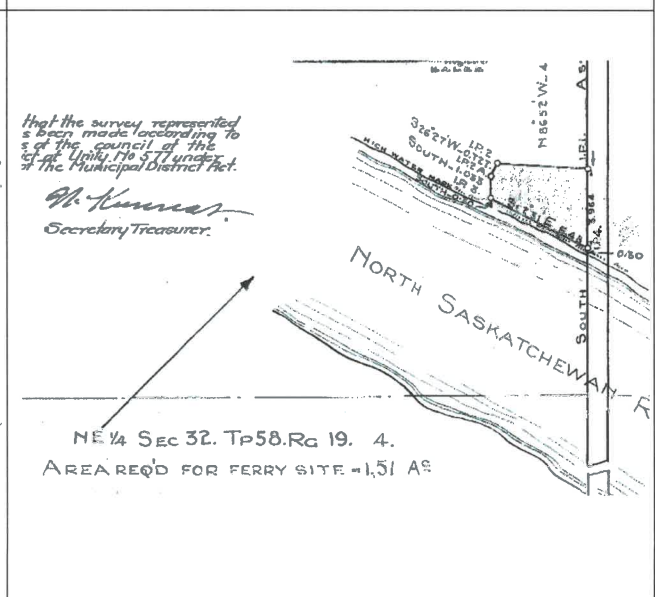
Warspite A Crossing



Warspite B Crossing



Desjarlais Crossing



Waskatenau Crossing

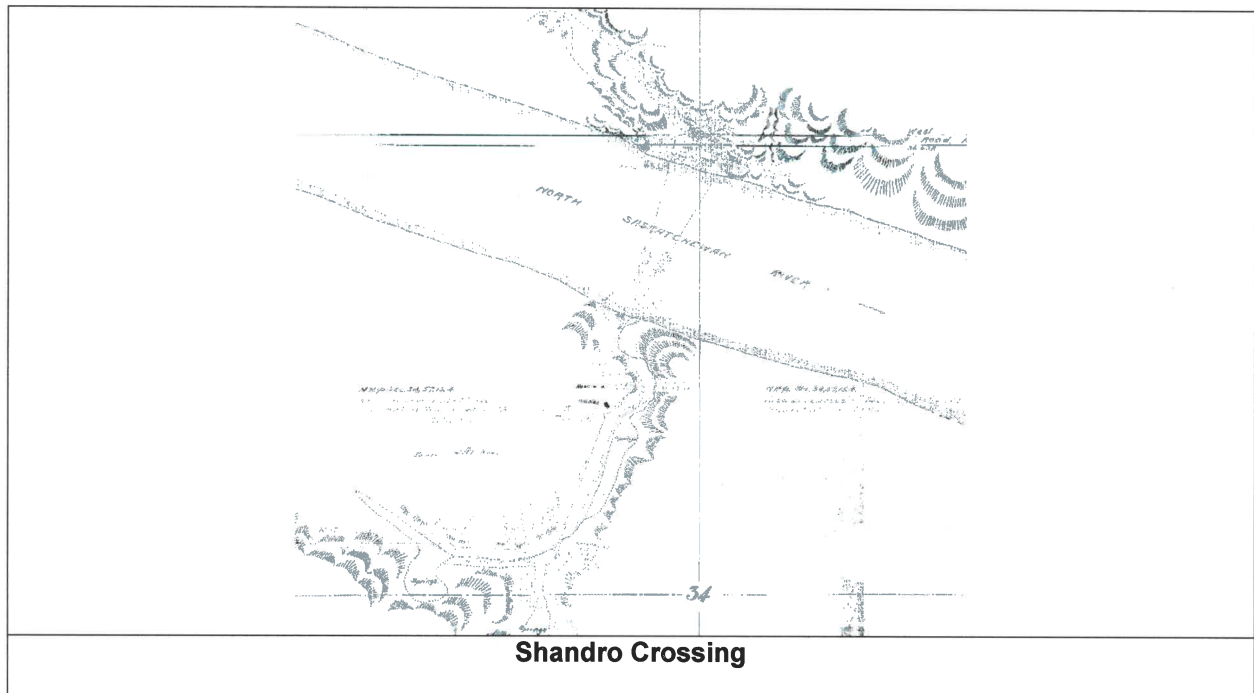


Fig. 2
Pakan Ferry, by Mary Mansfield (1930). Photo Courtesy of the Provincial Archives

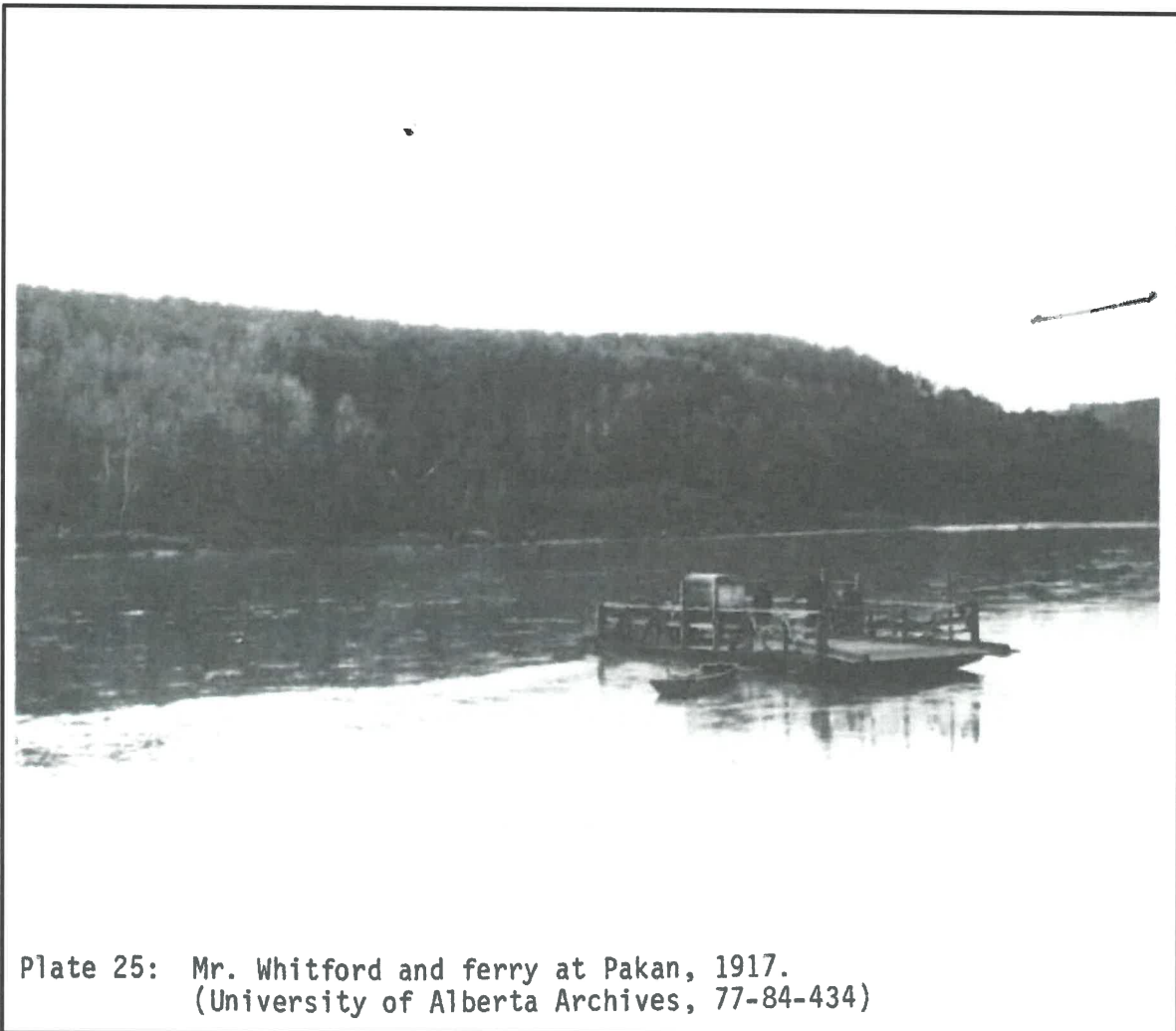


Fig. 3



Fig. 4

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

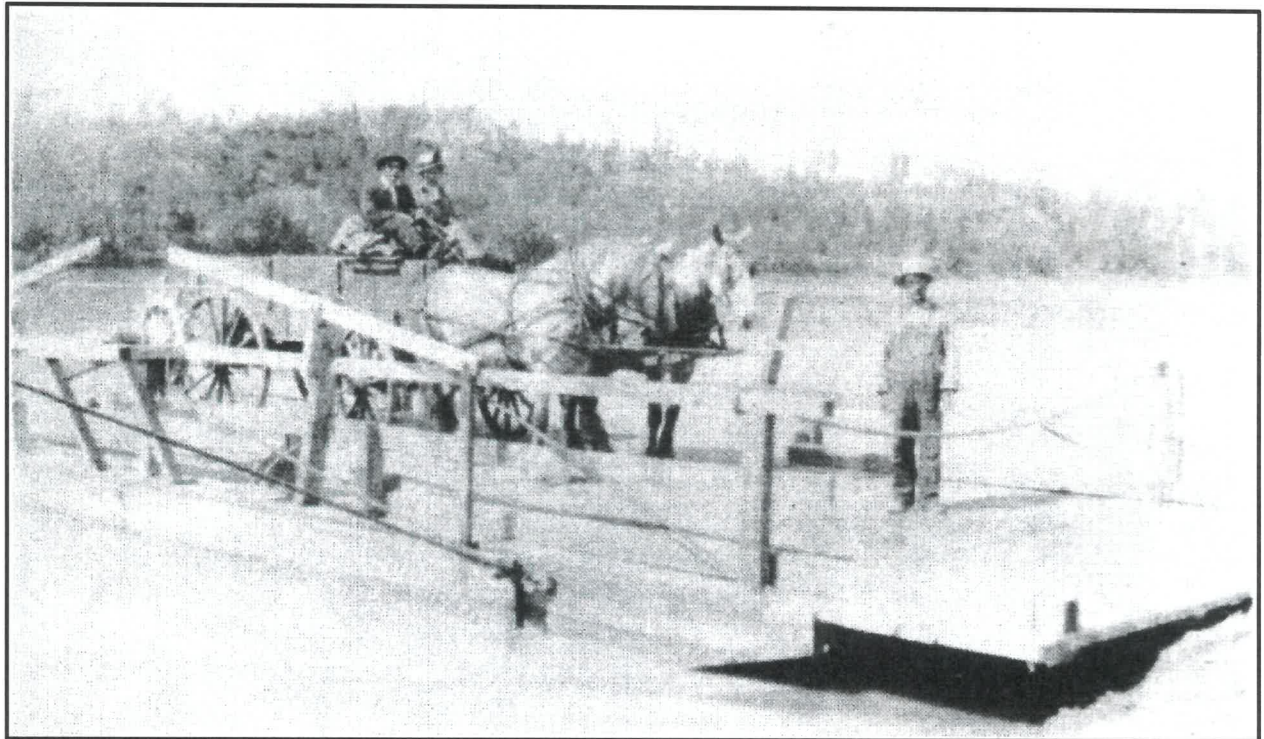


Fig. 5

**Fred Henderson, ferryman, c. 1922; others unknown – pg. 151,
By river and trail: the history of Waskatenau and districts. Vol. 1**



Fig. 6

c. 1926 – pg. 151, By river and trail: the history of Waskatenau and districts. Vol. 1

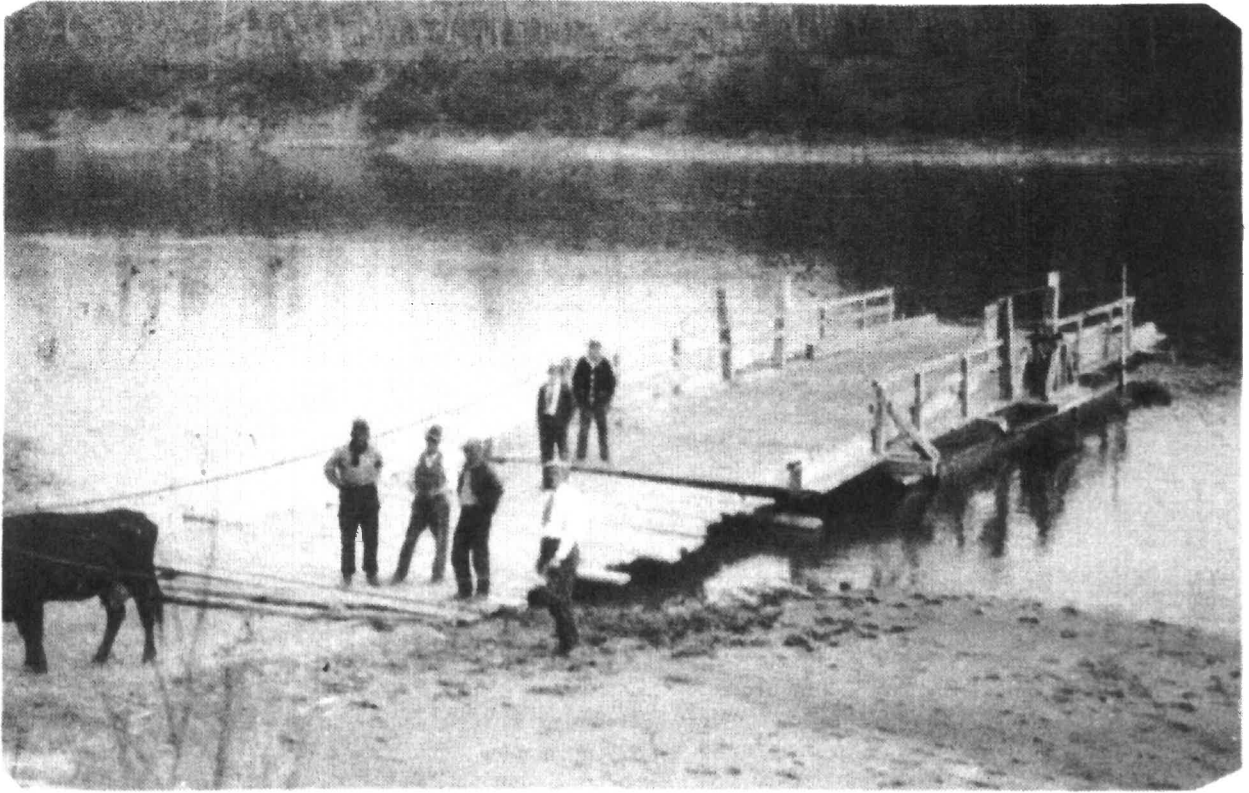


Fig. 7

c. 1926 – pg. 151, By river and trail: the history of Waskatenau and districts. Vol. 1

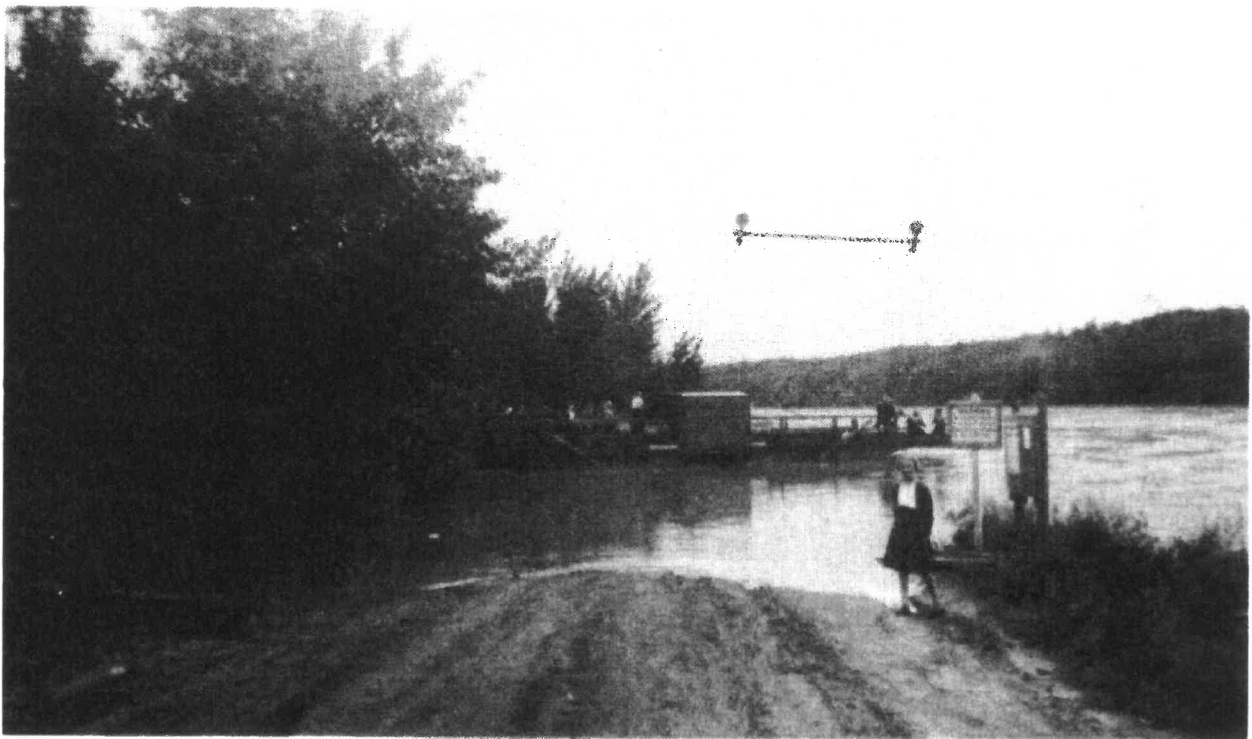


Fig. 8

North Saskatchewan River in Flood, June 1952. Deanna Petryk in foreground. - pg. 152, By river and trail: the history of Waskatenau and districts. Vol. 1

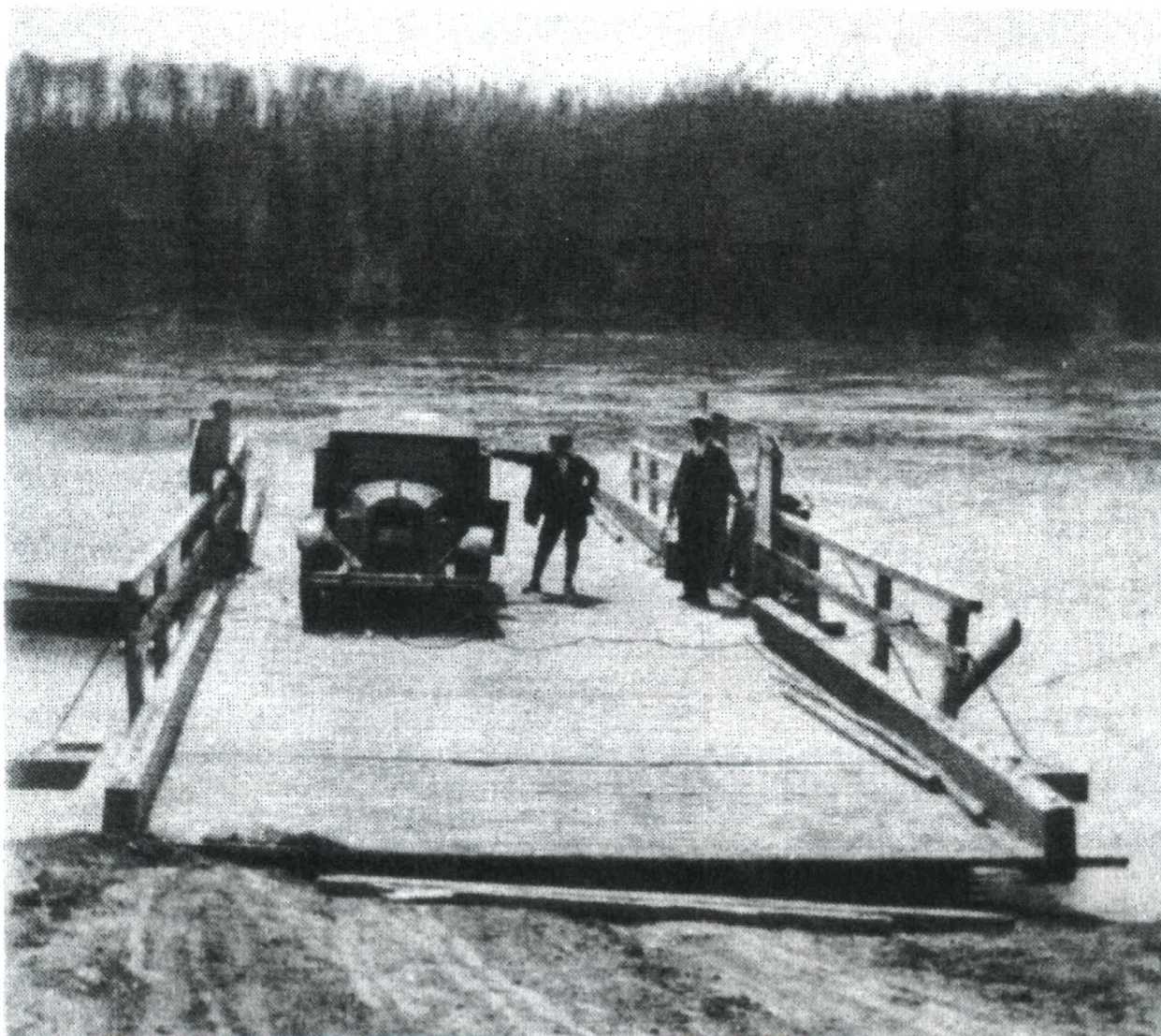


Fig. 9

c. 1930 - pg. 152, By river and trail: the history of Waskatenau and districts. Vol. 1

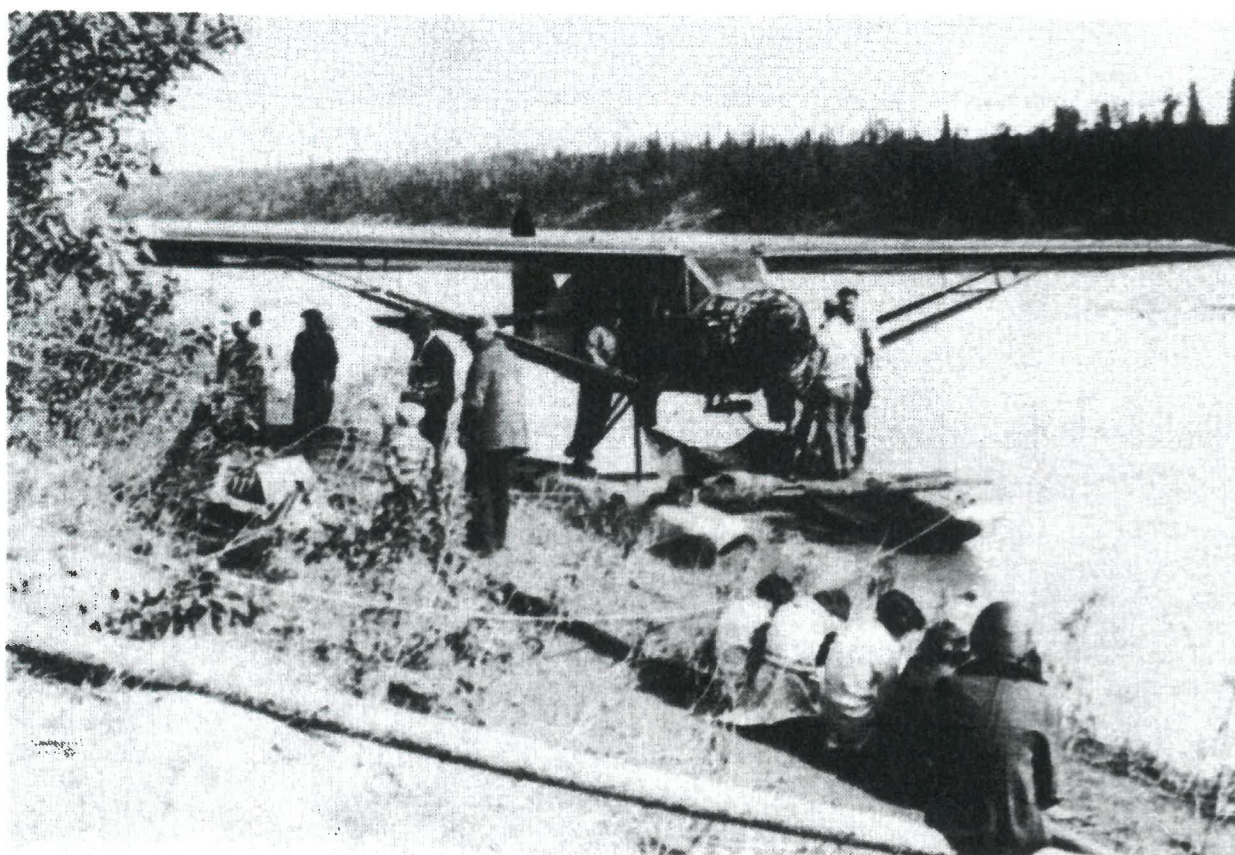


Fig. 10

Wop May and a Mr. Gilbert were flying over Smoky Lake to Yellowknife c. 1934 when a plane blew a piston. Fearing the mud flats on the lake, they landed on the river. - pg. 152, By river and trail: the history of Waskatenau and districts. Vol. 1



Fig. 11

c. 1945 - pg. 153, By river and trail: the history of Waskatenau and districts. Vol. 1



Fig. 12

Last crossing of the [Waskatenau] ferry, 1963; Joe Fedyniak - pg. 153, By river and trail: the history of Waskatenau and districts. Vol. 1

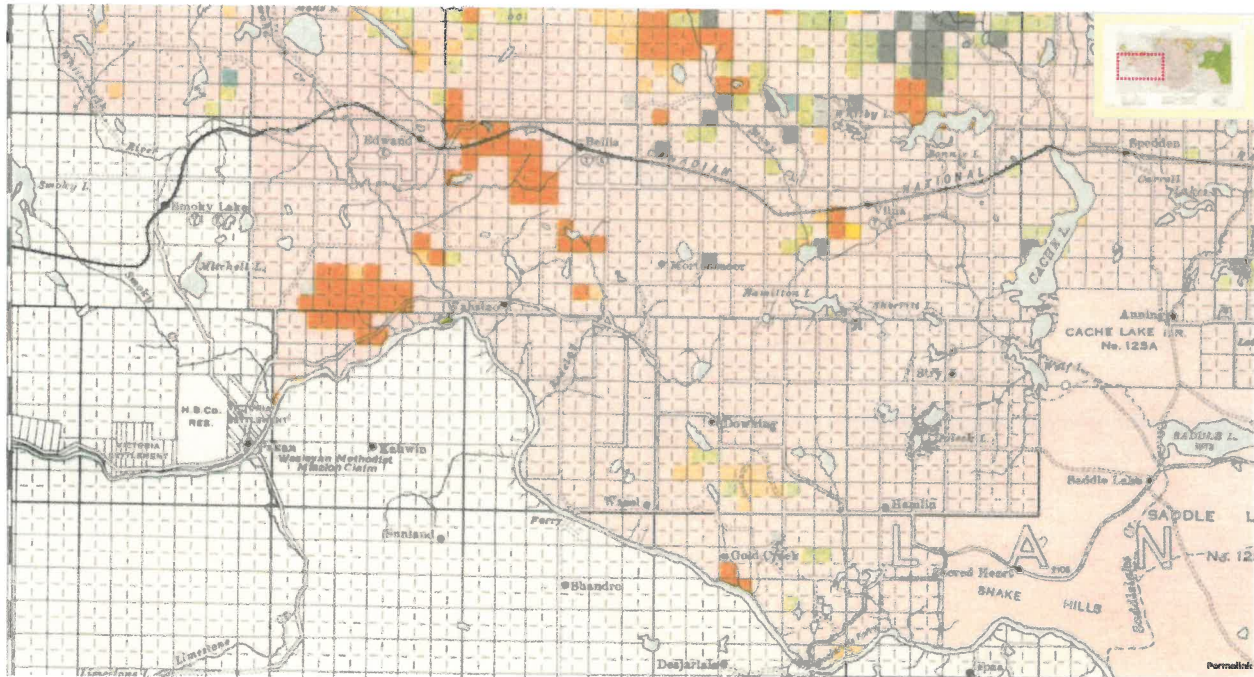


Fig. 13

Excerpt of 'Map 700' showing ferry crossings., *Map of St. Paul des Metis District, Province of Alberta classification of lands by quarter-section for settlement purposes*, Ottawa Department of the Interior (1923), Courtesy of the University of Alberta Peel's Prairie Provinces Digital Library (www.peel.library.ualberta.ca/maps)

SCHEDULE "D"

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. Smoky Lake County Municipal Development Plan (MDP) Bylaw 1249-12, or its equivalent
 - b. Smoky Lake County Land Use (LUB) Bylaw 1272-14, or its equivalent
 - c. Smoky Lake County Victoria District Area Structure Plan (ASP) Bylaw 1305-17, or its equivalent

SCHEDULE "E"

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



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

