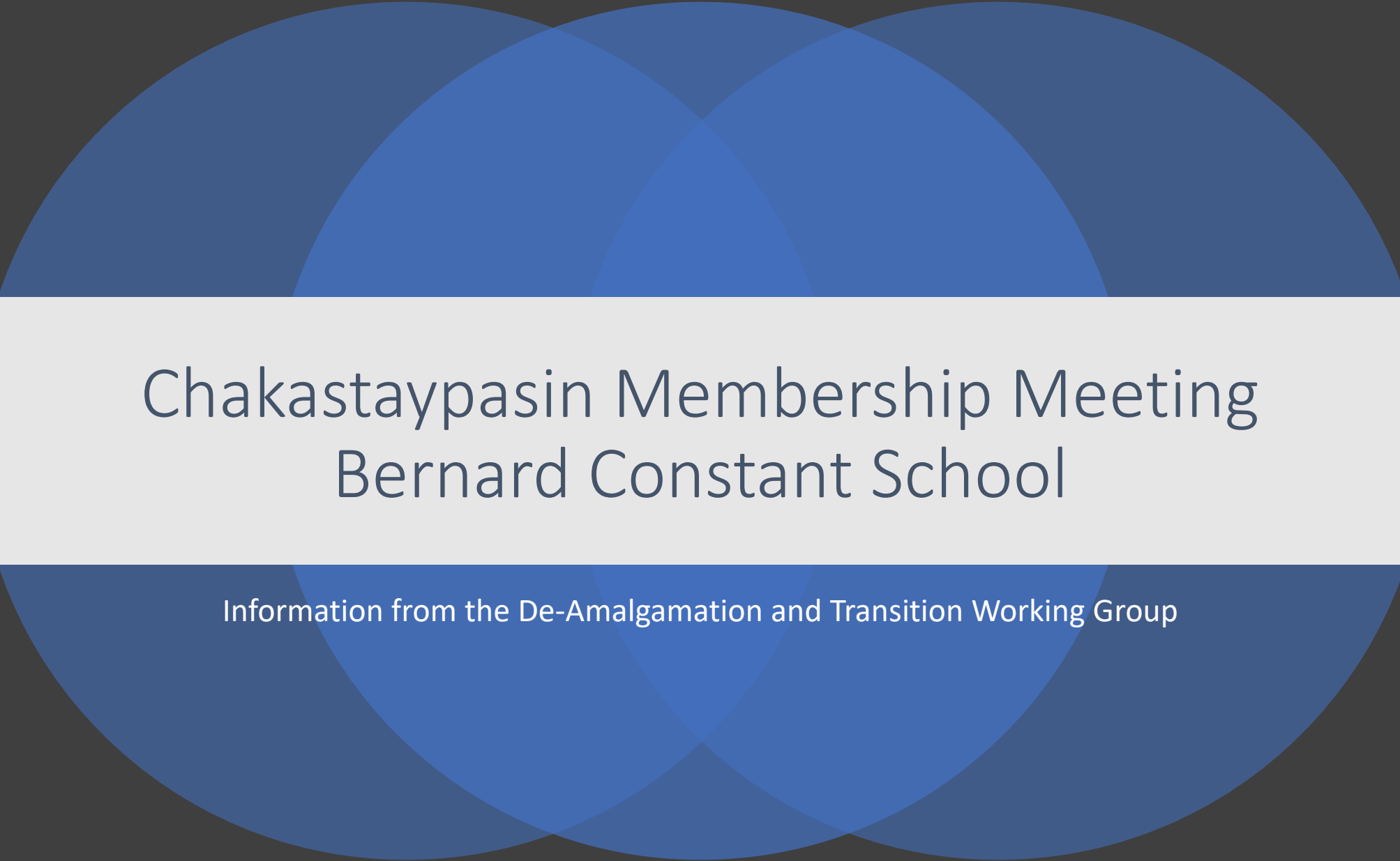




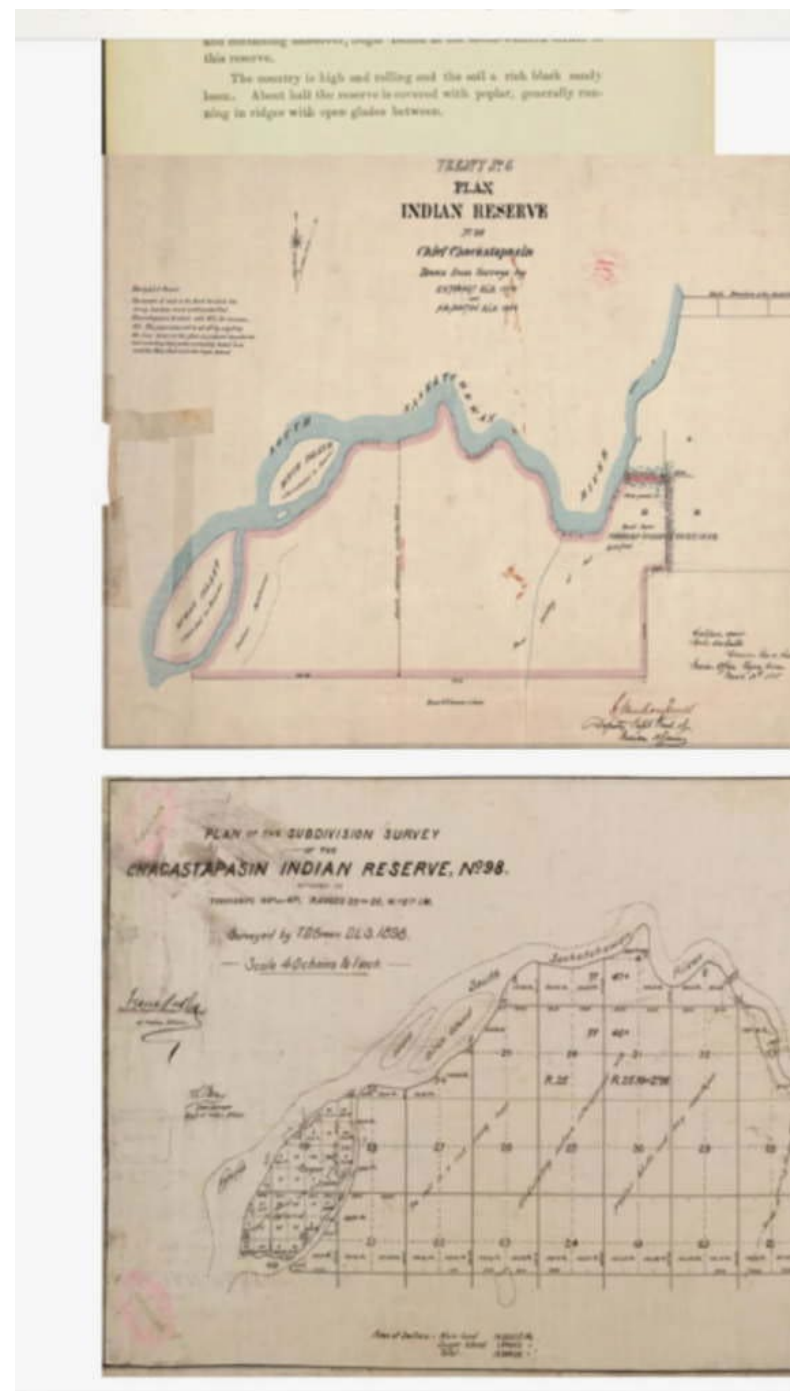
Chakastaypasin Membership Meeting Bernard Constant School

Information from the De-Amalgamation and Transition Working Group

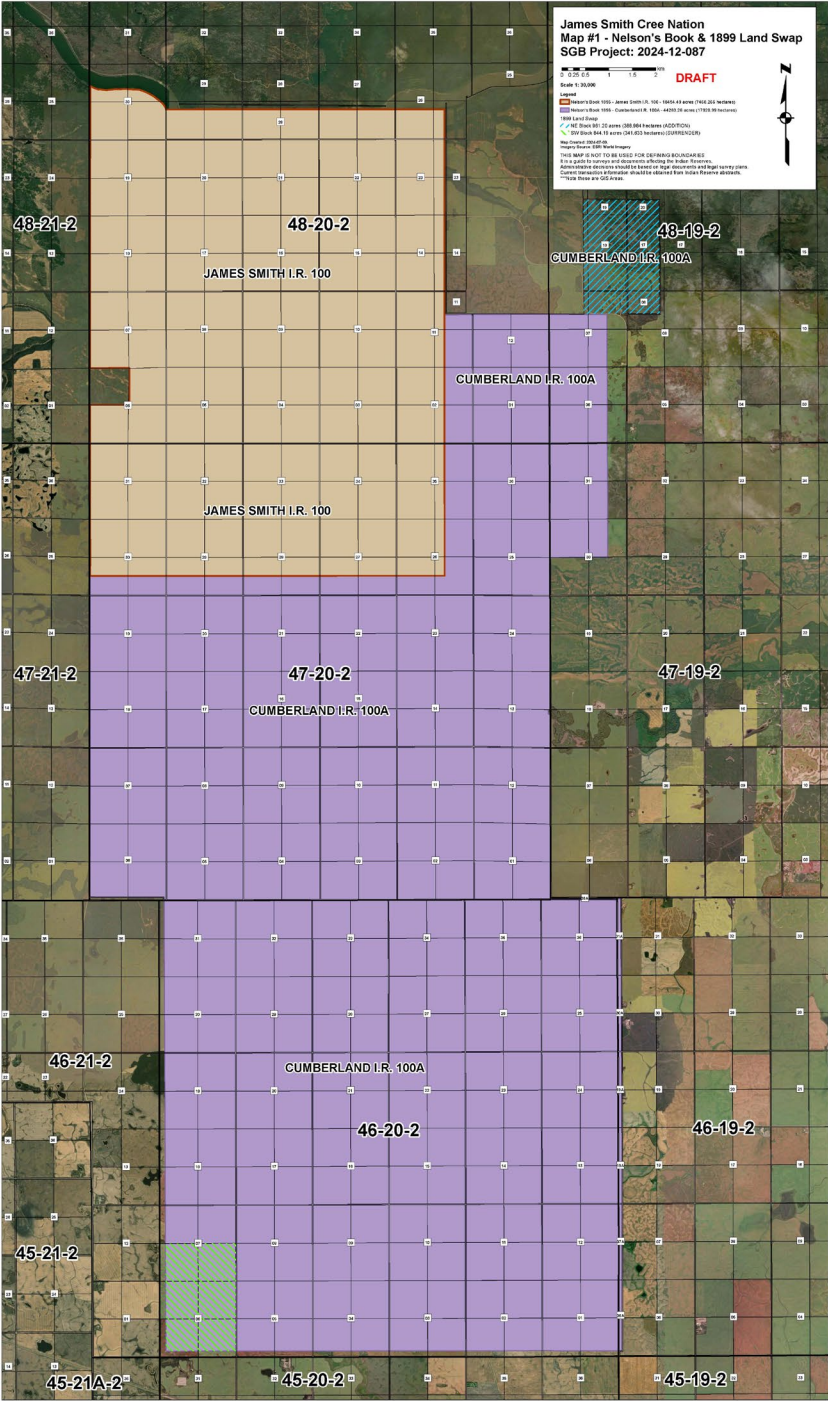
Band Creation

- Submission to Canada July 2024, signed by Chiefs and Councils
- Requests that the Minister of Indigenous Services Canada “constitute” three separate and independent “new” bands apart from the invalidly amalgamated James Smith Cree Nation #370
- Historical basis is Canada dispersing members of Chakastaypasin Band following the North-West Resistance and surrender of IR 98; the 1902 surrender of part of IR 100A - Peter Chapman group which now included former Chakastaypasin members with James Smith Band now known as James Smith Cree Nation #370:
 - Invalid taking of Chakastaypaysin IR 98
 - Invalid taking of the southern portion of IR 100A
 - Failure to fulfill James Smith Band ‘s Treaty Land Entitlement under Treaty No.6

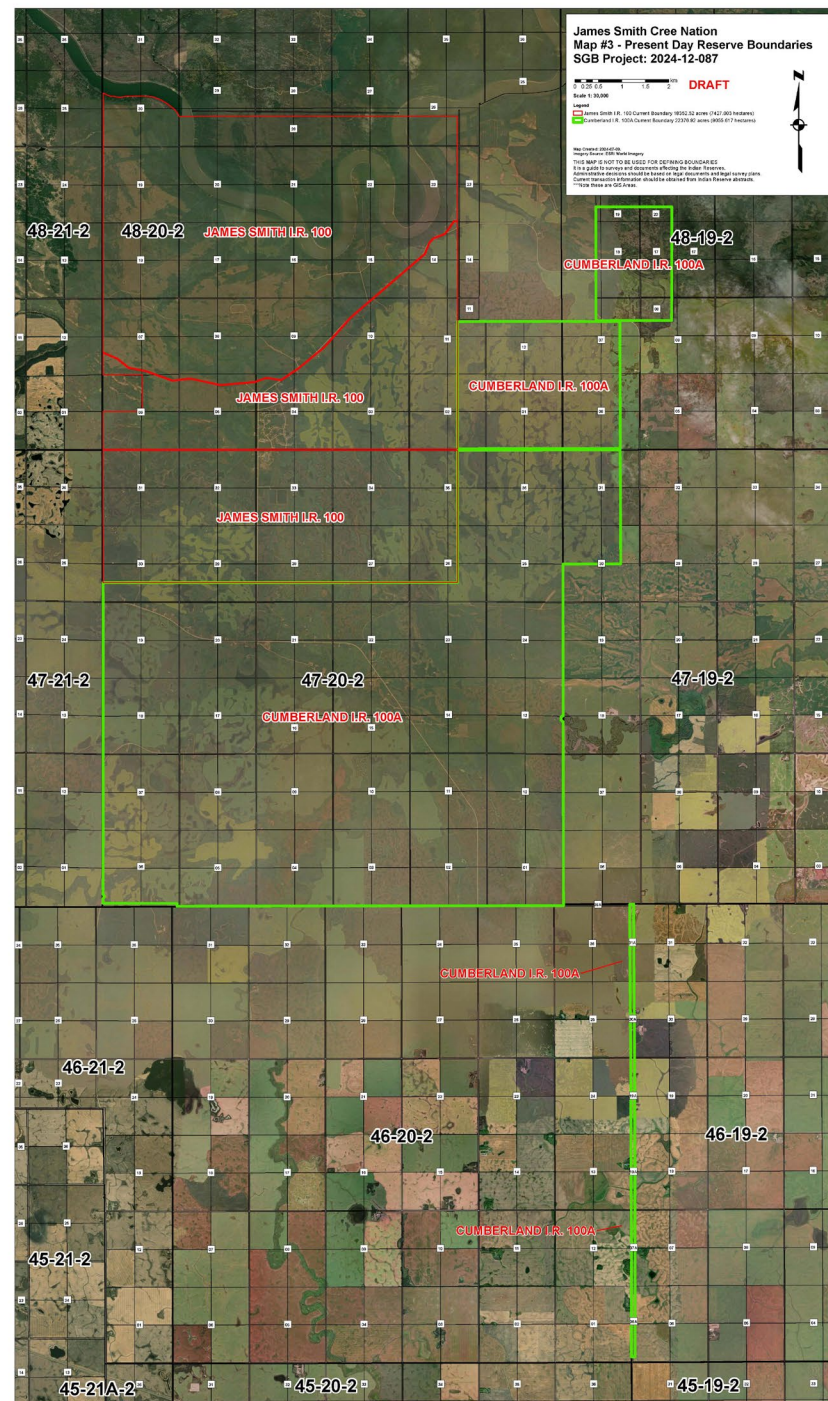
Original IR 98



Original IR
100 and
100A



Current IR 100 and 100A



Specific Claims Settlement

- Global Settle Agreement was ratified by James Smith Cree Nation #370 June 7, 2025 and was signed by Minister Alty, Crown Indigenous Relations August 14, 2025
- Addresses the historic claims of:
 - Invalid surrender of IR 98
 - Invalid surrender of the southern township of IR 100A
 - Historic impacts of the 1902 wrongful amalgamation
- Does not address the restoration and confirmation of three separate and independent bands namely:
 - Chakastaypasin Band of the Cree Nation
 - James Smith Cree Nation
 - Peter Chapman Band

Historical Background

- James Smith signed Treaty 6 in 1876 and received 17,792 acres surveyed in 1884 (OIC in 1889)
- Chakastaypasin signed Treaty 6 in 1876 and received 15,500 acres surveyed in 1878 (OIC in 1889)
- Cumberland Band signed Treaty 5 in 1876. Headman Peter Chapman led a group who relocated to the Fort a la Corne area due to the poor quality of land around Cumberland Lake. Peter Chapman was known as the unofficial leader of the Cumberland band at Fort a la Corne referred to in Canada's records as the "Cumberland Band of Indians on the Carrot River near Fort a la Corne"
- "Indians of the Cumberland District" received 41,600 acres surveyed in 1887 (OIC 1889)

Historical Background

- Following the 1885 North-West Resistance, Chakastaypasin members were forced to flee IR 98
- Between 1885 and 1895 Canada intentionally scattered Chakastaypasin. Some members were added to James Smith, but the majority were added to Cumberland House IR 100A. By 1889 the Chakastaypasin treaty playlist was discontinued
- Indian Claim Commission concluded that all of the transfers of Chakastaypasin band members to James Smith and Cumberland Band 100A were invalid and unlawful
- In 1902 the Cumberland Band (Peter Chapman group) purportedly entered into an amalgamation agreement with James Smith Cree Band. Canada has acknowledged the legal flaws associated with this amalgamation in their 2018 acceptance of the specific claim

Specific Claim

- Filed by James Smith Cree Nation #370 in 2014; accepted by Canada for negotiation in 2018
- Unlawful taking of IR 98
- Unlawful surrender of the southern portion of IR 100A. Canada's acceptance of the 100A surrender claim is grounded in both the unlawful transfer of Chakastaypasin Band members and the 1902 amalgamation
- James Smith Band 's Treaty Land Entitlement under Treaty No.6
- Canada is of the opinion that Peter Chapman was never a band separate from Cumberland Band but that Peter Chapman sector has a "beneficial interest" to "participate in the negotiation of the Cumberland House Cree Nation's Cumberland IR 100A specific claim"
- Canada recognizes the existence of a governance structure for James Smith, Chakastaypasin and Peter Chapman

Steps to De-Amalgamation and Band “Creation”

ONLY MY OPINION FROM INFORMATION GATHERED

- Canada has a 1992 New Band and Band Amalgamation Policy they are applying to James Smith Cree Nation #370's request to De-Amalgamate
- Because Canada has admitted to wrongfully amalgamating James Smith, Chakastaypasin and Peter Chapman we had hoped that the path to “de-amalgamation” would be easier than the 1992 policy
- So far, Canada has insisted on following the policy

Canada's New Band and Band Amalgamation Policy

- Community Request (1-3 months)
 - Band(s) provides ISC with a submission package including written request (claims submission/acceptance?)
 - Band recognition under S.17 of the Indian Act add historical research report (July 2025)
 - If possible, a signed Band Council Resolution (June 2024)
- Historical Review (9-18 months)
 - Review by ISC historian
- Minister's approval to formally engage (3-6 months)
- Engagement with Community
 - Membership - identify membership composition, membership code, governance structure
 - Terms of Division divide lands, monies, assets and liabilities and write a formal separation agreement
 - Terms of Division, as voted on by the membership of the Band, is the decision of the Band regarding its land and resources
 - Letters sent by ISC to third parties (bands in the area, municipal, provincial, etc.) with potential interest

Canada's New Band and Band Amalgamation Policy

- Deputy Minister Approval in Principle (3-6 months)
 - Band(s)'s proposal, Terms of Division and the Department's recommendation presented for approval in principle
- Internal Consultation with Electorate (timeline varies)
 - Consultation with the proposed membership undertaken by Band(s)
 - Band(s) develop own process to consult, inform and seek concurrence from members
 - Band(s) collect statements of intent from members indicating they will transfer to the newly recognized bands once created
 - Members should have a clear indication of potential impacts, as per the Terms of Division (e.g. do they retain housing?)
 - Ratification vote by membership
- Ministerial Order (3-6 months)
 - ISC will prepare a Ministerial Order under Section 17 of the Act recognizing Band(s), for the Minister's signature
 - applicable changes to the Indian Register will be implemented

De-amalgamation and Transition Working Group (DTWG)

- Formal Terms of Reference drafted by legal representatives and signed by Chiefs and Council
 - Recommending body to Chiefs and Councils
- Membership
 - Steven Constant and Winston McLean – James Smith
 - Terry Sanderson and Mavis Sanderson – Chakastaypasin
 - Eddie Head and Lucas Whitehead – Peter Chapman
 - Kirby Korchinski - Facilitator
- Began work in Fall 2024
 - Lands
 - Membership
 - Physical Assets

DTWG Membership Recommendations

- Three questions have been posed to ISC:
 - Does everyone on JSCN #370 list need to end up on the initial James Smith, Chakastaypasin or Peter Chapman band list? **Yes. All Section 11 members of JSCN #370 will have the opportunity to confirm their membership via a Statement of Intent.**
 - If we are unable to contact someone what are our options? **Assigning membership based on the 21 Family Name Membership Law is a practical solution. Must inform individuals of request for change process and timeframe.**
 - Would ISC be OK if JSCN #370 placed everyone based on the 21 Family Name Membership Law? **Yes , provided that a reasonable appeal process and timeframes are clearly communicated and accessible to membership.**

DTWG Membership Recommendations

- JSCN Indian Registry and Membership List is maintained under Section 11 of the Indian Act; Section 10 or Band Custom Membership Codes are not in place at any JSCN #370 Nations
- 2019 Tripartite meetings consensus that JSCN #370 would stay under Section 11 until post de-amalgamation
- There have been people added to the JSCN #370 registry which JSCN may wish to challenge based on genealogy. Appear to be individuals with the same genealogy who have been registered differently by ISC. It is not our intent to discriminate against anyone
- Re-instatement of Peter Chapman and Chakastaypasin now as “Bands” under Section 17 of the Indian Act would allay the concerns of members of JSCN #370 who are uncertain what joining a band not recognized by Canada might mean to their individual rights and entitlements

DTWG Membership Recommendations

- Recommendation
 - Placement by a joint membership committee based on the 21 Family Name Membership Law with an appeal mechanism/one time change option in effect for 12 months
 - Individuals who are unknown to JSCN #370 or cannot be placed in accordance with the 21 Name Family Law will default to Chakastaypasin
 - Based on the 21 Family Name Law, at July 24, 2025:
 - James Smith – 1976 members or 44.5%
 - Chakastaypasin – 1630 members or 36.7%
 - Peter Chapman – 837 members or 18.8%

DTWG Membership Recommendations

- Under Section 10 Band Membership codes or an interim negotiated agreement, Chiefs and Councils should create a process to consider:
 - Membership and Citizenship – what rights/privileges/services might accrue to members of James Smith, Peter Chapman and Chakastaypasin who live on IR 100A or IR 100A not held by their band?
 - We have broad Chief and Council agreement that the right of “citizenship” be extended to families who are householders on either IR 100 or 100A but are members of a different JSCN #370 Nation. Further, that these families be extended the right to pass along their homes to their next of kin including developed yard sites and small pastures.
 - Next of kin would need to be members of James Smith, Peter Chapman or Chakastaypasin and Chiefs and Council should reserve the right to remove citizens who do not follow band laws
 - Citizenship does not grant the right to vote in band election

DTWG Lands Recommendations

- Regarding the Existing Lands Base:
 - James Smith should retain all of IR 100
 - Peter Chapman should retain all of IR 100A including No Man's Land
 - Peter Chapman, James Smith and Chakastaypasin should agree that Chakastaypasin receive 320-640 acres (640 acres = 1 sq mile) of IR 100A near M&M Corners. This land is currently not cropland

DTWG Lands Recommendations

- Regarding Traditional Land Holders:
 - There are approximately 20,000 acres of cropland held by traditional land holders. Over 11,000 acres is held by traditional land holders who will likely not be members of that band post de-amalgamation
 - Traditional land holders should receive a fair and reasonable one-time payment to return land to either JSCN #370 (before de-amalgamation) or Peter Chapman or James Smith (after de-amalgamation).
 - Fair and Reasonable payment to traditional land holders would be the responsibility of Peter Chapman on IR 100A lands and James Smith on IR 100 lands.
 - There are an unknown number of acres held by householders and small pastures developed yard sites (barns, corrals, outbuildings)
 - These sites should be identified and mapped and a small fund set aside to compensate householders who may choose to give up these yard sites/pastures.

DTWG Lands Recommendations

- Other lands matters
 - There are 15 Veterans of WW I and WWII who may have been entitled to receive Soldiers Settlement lands. Discussions with Veterans Affairs Canada should be initiated.
 - Cemetery sites at St. Luke's, St Stephen's and the burial grounds north of the Saskatchewan River should be set aside with a joint band council resolution granting access to all members of James Smith, Chakastaypasin and Peter Chapman now and forever.
 - The large community pasture on James Smith should be mapped and moved to management of the James Smith land manager.
 - Small pastures and developed yard sites adjacent to householders should be identified and mapped in the summer of 2025.
 - The boundary between IR 100 and IR 100A should be identified and marked with signs so that JSCN #370 members know where that boundary is.