



James Smith Chief and Council Meeting

Information from the De-Amalgamation and Transition Working Group

Band Creation

- Submission to Canada July 2025, 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

Specific Claims Settlement

- Global Settle Agreement was ratified by James Smith Cree Nation #370 June 7, 2025 and was signed by Canada on August 15, 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

Specific Claim

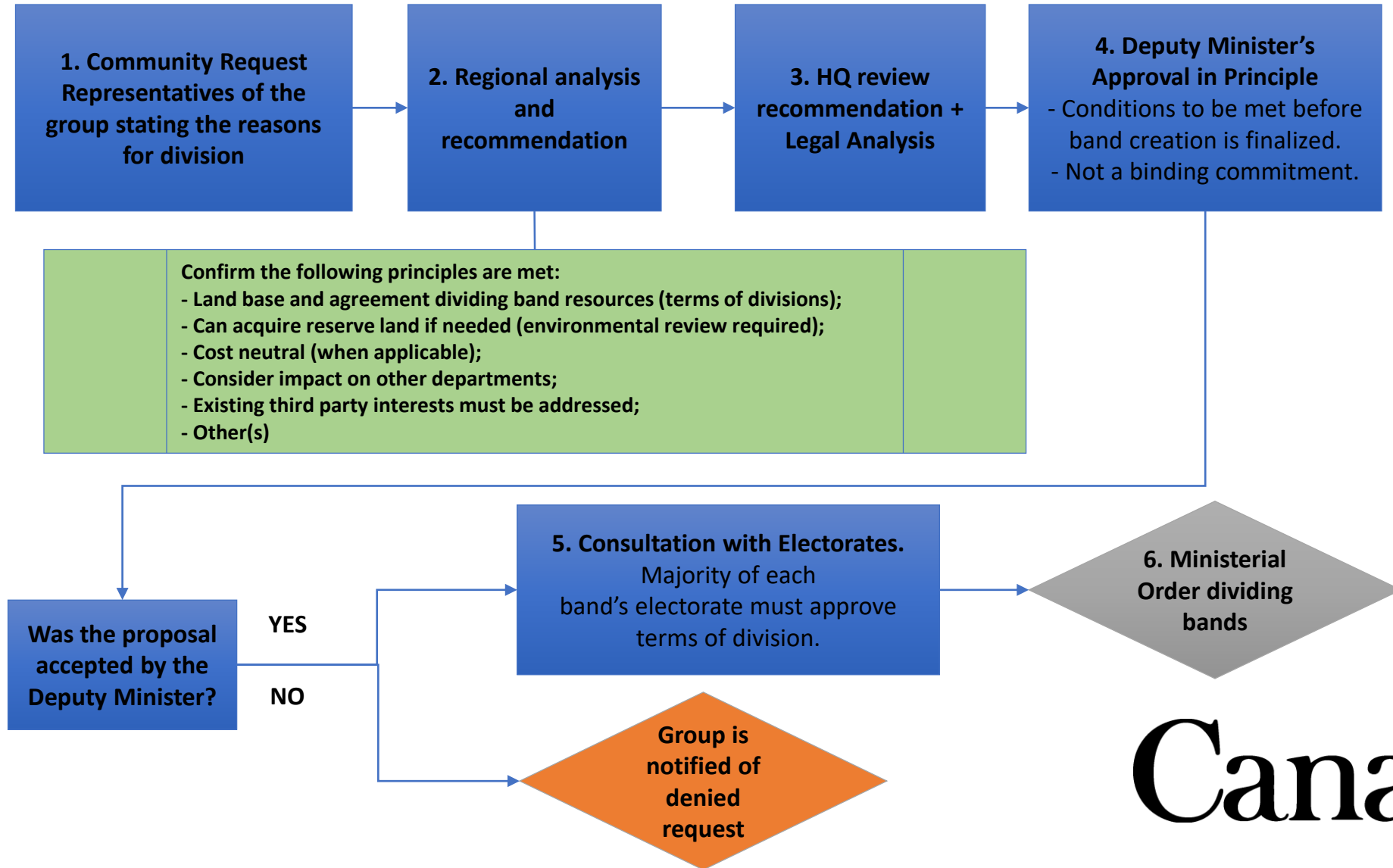
- Filed by James Smith Cree Nation #370 in 2014; accepted by Canada for negotiation in 2018
- Unlawful taking of IR 98
- Unlawful surrender of the southern portion of IR 100A. Canada's acceptance of the 100A surrender claim is grounded in both the unlawful transfer of Chakastaypasin Band members and 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 AND 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

ISC Slide on Band Division Process



Canada 

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
 - Betty Moostoos - Elder
- Began work in earnest in the Fall 2024

De-amalgamation and Transition Working Group (DTWG)

- Make recommendations on division of JSCN #370
 - Lands
 - Membership
 - Physical Assets (housing, infrastructure, cash, debt)
 - Delivery of programs post de-amalgamation
 - Governance – changes to Election Acts and how might the delivery of joint programs between a future James Smith Cree Nation, Peter Chapman Band and Chakastaypasin Band of the Cree Nation might be governed

DTWG Survey Work Request

- Mapping and survey requirements were first identified in a June 27, 2024 letter to ISC signed by the 3 Chiefs
- In October 2025 ISC and NRCan indicated that resources are available to conduct some survey work
- The de-amalgamation working group is recommending the following priorities
 - North Boundary of IR 100 across the river – survey and cut line
 - Entire boundary between IR 100 and IR 100A – survey marked every 100 meters
 - East boundary of IR 100A – Section 30 & 31: 47;20;W2m and Sections 6 & 48;`89,W2M – survey marked every 100 meters
- A band council resolution for consideration by Chiefs and Councils on November 18, 2025 has been prepared.

DTWG Membership Recommendations

- Three questions have been posed to ISC. Answers are **bolded**
 - Does everyone on JSCN #370 list need to end up on the initial James Smith, Chakastaypasin or Peter Chapman band list? **“Yes”**
 - If we are unable to contact someone what are our options? **“Place with one Nation and allow for future appeal”**
 - Would ISC be OK if JSCN #370 placed everyone based on the 21 Family Name Membership Law? **Not in writing but verbally “yes” with requirement for an appeal period of some duration**

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.
- The 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 September 30, 2025:
 - James Smith – 2007 members or 45%
 - Chakastaypasin – 1639 members or 37%
 - Peter Chapman – 840 members or 19%
 - *Note percentage may not add to 100% due to rounding*

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 of 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.

DTWG Survey Work Required

- A series of required maps and surveys were identified to ISC/NRCan in a 2024 letter from chiefs
- The DTWG has been in contact the NRCan and ISC who indicate much of the requested survey work may be able to proceed in the fall/winter of 2025 those requirements are
 - North boundary across the Saskatchewan River (survey and cutline)
 - East Boundary of IR 100A 3.5 miles along Sec 30, 31, 6, 7
 - Entire Boundary of IR 100 and IR 100A
 - Church yards and cemeteries
- The technology for marking church yards and cemeteries can hopefully be used to mark household with small pastures out buildings etc.