



Mathias Colomb Cree Nation

CONSULTATION AND CONSENT LAW

2025

Enacted on **May 15, 2025**

PREAMBLE

- A. Mathias Colomb Cree Nation wishes to exercise, through this law, its inherent rights of self-governance, its rights recognized under the *United Nations Declaration on the Rights of Indigenous Peoples*, and its rights recognized under s. 35 of the *Constitution Act, 1982*; and
- B. The Council of Mathias Colomb Cree Nation wishes to pass this law in the best interests of Mathias Colomb Cree Nation;

NOW THEREFORE the Council of Mathias Colomb Cree Nation enacts as follows:

Citation

1. This law may be cited as the *Mathias Colomb Cree Nation Consultation and Consent Law, 2025*.

Definitions

2. In this law,
 - a. **"Consultation and Consent Law"** means this law, the *Mathias Colomb Cree Nation Consultation and Consent Law, 2025*.
 - b. **"Council"** means the duly elected Council of the Mathias Colomb Cree Nation, and includes the Chief and Councillors.
 - c. **"Development"** means any physical change to the environment, or a policy that may cause or affect such changes, or a policy that may otherwise affect the interests or rights of Mathias Colomb Cree Nation.
 - d. **"Licence"** means a licence issued under this *Consultation and Consent Law*.

- e. **“Licensee”** means a person to whom a licence is issued under this *Consultation and Consent Law*.
 - f. **“Mathias Colomb Citizen”** means a person whose name appears on the Mathias Colomb Cree Nation membership list or citizenship list, or who is entitled to have his or her name appear on the Mathias Colomb Cree Nation membership or citizenship list, as determined by such law of Mathias Colomb Cree Nation with respect to membership or citizenship as may be in force from time to time, or if none, as determined by Mathias Colomb Cree Nation;
 - g. **“Mathias Colomb Consultation Officer”** means the consultation officer as described in Section 32.
 - h. **“Mathias Colomb Lands”** means any lands within Mathias Colomb Cree Nation’s traditional territory.
 - i. **“Mathias Colomb Reserves”** means the Pukawatagan Indian Reserve and all other reserves set aside the benefit of Mathias Colomb Cree Nation, and **“Mathias Colomb Reserve”** means any of them.
 - j. **“Officer”** means a police officer, peace officer, First Nation Safety Officer authorized by Mathias Colomb Cree Nation, or other enforcement officer appointed by Mathias Colomb Cree Nation.
 - k. **“Person”** means an individual, a partnership or corporation or the agent or trustee of a person.
 - l. **“MCCN Licence to Operate”** means an approval issued by Mathias Colomb Cree Nation to undertake a Development on Mathias Colomb Lands that evidences the free, prior and informed consent of Mathias Colomb Cree Nation and evidences that the duty to consult and accommodate Mathias Colomb Cree Nation has been satisfied up to that point in time. The MCCN Licence to Operate will normally take the form of an agreement, which may be termed an Impact and Benefits Agreement or may have another name, and the term “licence” need not be used in the document. The MCCN Licence to Operate must have the signed and authorized approval of Mathias Colomb Cree Nation, and must specify the nature of the approved development activity, the scope of Mathias Colomb Cree Nation’s consent, and the terms of that consent including mitigation and other accommodation measures, ongoing relationships, and benefits shared with Mathias Colomb Cree Nation and Mathias Colomb citizens.
3. This *Consultation and Consent Law* will not infringe upon or diminish the constitutional rights of Mathias Colomb Cree Nation or Mathias Colomb Citizens.
4. This *Consultation and Consent Law* applies on Mathias Colomb Lands, but does not detract from or replace any additional laws, duties and processes that may apply on Mathias Colomb Reserves, including business licensing.

Development on Mathias Colomb Lands

5. Every Person is hereby put on notice that Development(s) on Mathias Colomb Lands may impact Mathias Colomb Cree Nation and trigger the duty to consult and accommodate with Mathias Colomb Cree Nation pursuant to Section 35 of the *Constitution Act, 1982* and our right to free, prior and informed consent for the use of our traditional lands pursuant to the traditional laws of Mathias Colomb Cree Nation and pursuant to Articles 26 and 28 of the *United Nations Declaration on Rights of Indigenous Peoples*.
6. No Development will take place on Mathias Colomb Lands without a MCCN Licence to Operate issued from Mathias Colomb Cree Nation in respect of that Development.
7. Every Person proposing to undertake a Development on Mathias Colomb Lands must, and as early as possible and well in advance of commencing any activity on Mathias Colomb Lands, apply for a MCCN Licence to Operate as set out in this *Consultation and Consent Law*.

Principles

8. The process of obtaining a MCCN Licence to Operate must be conducted in a way that is honourable, honest, meaningful, transparent, and in good faith. The Crown, proponents, and any other third parties involved must conduct themselves with respect towards Mathias Colomb Cree Nation, Mathias Colomb Lands, and Mathias Colomb Citizens.
9. Every Person involved must understand that Mathias Colomb Cree Nation receives a large number of Development notifications and requests for consultation, and has a limited capacity to respond and engage. A lack of response by Mathias Colomb Cree Nation does not, in any circumstances, mean that Mathias Colomb Cree Nation consents, has been consulted, or does not have concerns. A lack of response, a delay in response, or a lack of detail in a response will, in all cases, be taken to reflect this capacity gap and must not be held against Mathias Colomb Cree Nation.
10. The process of obtaining a MCCN Licence to Operate must be fully resourced by the proponent or Crown, or both, who must ensure that Mathias Colomb Cree Nation is provided with the necessary funding and other support to properly participate and respond.
11. The timing and pace of the process of obtaining a MCCN Licence to Operate will be reflective of not just the needs of the proponent's timetable or regulatory timetables, but also the needs of Mathias Colomb Cree Nation, which include, but are not limited to, time needed for Mathias Colomb's internal review, discussion and decision-making processes, harvesting and traditional activities, community events, consultation with Mathias Colomb Citizens, expert studies and review as required, and negotiations.
12. The knowledge, traditions and values of Mathias Colomb Cree Nation will be accorded the same respect and weight as those of other cultures and ways of knowing.

13. A MCCN Licence to Operate requires The Crown or proponent to be responsible for ensuring that Mathias Colomb Cree Nation is fully informed to provide consent, which includes sufficient and timely processes to allow Mathias Colomb Cree Nation to:
 - a. understand the nature and scope of the proposed Development;
 - b. understand the timing of the proposed Development;
 - c. understand the geographic area, communities, resources or activities that may be affected by the proposed Development;
 - d. understand all of the potential impacts of the proposed Development, including but not limited to, any potential impacts on Mathias Colomb Lands, Mathias Colomb Citizens, and Mathias Colomb Cree Nation rights, values, culture, and economy;
 - e. understand who will be undertaking the proposed Development;
 - f. be advised of all pertinent addresses, emails and phone numbers for contacting the relevant decision maker(s);
 - g. be advised who will be making any decisions on the part of the Crown, and under what basis (including any relevant laws or policies);
 - h. understand what collateral or related processes or approvals are being undertaken by the Crown in relation to the proposed activity;
 - i. be advised what documents, including applications, studies, assessments, and policies are available to be reviewed pertinent to the proposed activity;
 - j. be advised of what other relevant information the Crown or proponent may possess relating to the proposed activity; and
 - k. be advised of any relevant deadlines or filing dates from the Crown's or proponent's perspective.
14. When considering the possibility of mitigation, alteration, compensation and other accommodation measures should a Development proceed, full alternatives to the proposal are open for consideration, including but not limited to, not engaging in the Development, delaying the Development, or engaging in a different process to reassess the Development.

Process for Obtaining a MCCN Licence to Operate

15. When a Development on Mathias Colomb Lands is contemplated, the Crown or proponent must contact Mathias Colomb Cree Nation by sending a notification letter by mail, email or fax to the attention of Council, and copying the notification letter to the Mathias Colomb

Lands and Trust Office, and must outline the following information (the “**Notification Letter**”):

- a. the nature, scope, and timing of the proposed Development;
 - b. how and the extent to which, to the best of the Crown’s and proponent’s knowledge at that time, the proposed Development may affect Mathias Colomb Cree Nation and Mathias Colomb Citizens, including its rights, values, activities, lands, and resources;
 - c. the name of the Person or body that will be undertaking the Development, including contact information;
 - d. a list of documents pertaining to the proposed Development that are available for review, including those that would only become available pursuant to a signed confidentiality agreement; and
 - e. any processes, laws, deadlines or filing dates pertaining to the Development.
16. Within 7 days of sending the Notification Letter under Section 15, the Crown or proponent will confirm with the Mathias Colomb Consultation Officer that the Notification Letter was received, and if a response is not immediately available, will continue efforts to contact the Mathias Colomb Consultation Officer until this is confirmed.
17. Within 1 month of confirming receipt of the Notification Letter, Mathias Colomb Cree Nation will reply to the Crown and/or proponent, by verbal communication or in writing, and indicate whether a MCCN Licence to Operate is required for the Development. In accordance with Section 9, if Mathias Colomb Cree Nation does not reply within this time period, the Crown and proponent must not assume that Mathias Colomb Cree Nation has no concerns or that a MCCN Licence to Operate is not required.
- a. If Mathias Colomb Cree Nation indicates that no MCCN Licence to Operate is required, it may advise of this in writing. Such written notification may be taken as Mathias Colomb Cree Nation’s determination that the duty to consult and accommodate does not apply, and that further consultation, accommodation or consent is not required.
 - b. If Mathias Colomb Cree Nation indicates that a MCCN Licence to Operate is required, or that further consultation, accommodation and consent is required, the Crown or proponent will, in conjunction with Mathias Colomb Cree Nation, establish a convenient time and place to meet with the Mathias Colomb Consultation Officer, either in person or by phone, to discuss the exchange of information and to develop a workplan and budget to obtain a MCCN Licence to Operate.
18. Where a MCCN Licence to Operate process is continuing, a workplan and budget will be developed and agreed between Mathias Colomb Cree Nation, coordinated through the Mathias Colomb Consultation Officer, and the Crown and/or proponent. The workplan will include:

- a. provision of all relevant information by the Crown and proponent, as applicable, including a description of that information and a timeline for its delivery;
- b. an agreement regarding the information to be shared that must be kept confidential;
- c. if necessary, the collection of non-confidential information from Mathias Colomb Cree Nation that is needed to inform discussions, including a description of the type of information needed and a timeline for its collection;
- d. the retention of Mathias Colomb staff on a full or part-time basis, or an allocation of existing staff time, to assist with coordination, community meetings, follow-up with Council, follow-up with the Crown and/or proponent, negotiations towards an agreement, and other work related to the MCCN Licence to Operate process;
- e. if reasonably required, the retention of experts/consultants such as Mathias Colomb Elders or land users or other local experts in Mathias Colomb rights, culture, values, Mathias Colomb Lands;
- f. if reasonably required, the retention of experts/consultants with other forms of knowledge, including but not limited to, environmental experts, archaeologists, historians, foresters, financial advisers, industry experts or persons with expertise in the collection of traditional knowledge, to provide Mathias Colomb Cree nation with an outline of the work they will complete (including but not limited to a field study, a review of the proposal or the preparation of a report), and a timeline regarding when each step of that work will be completed;
- g. if reasonably required, the retention of legal counsel to provide Mathias Colomb Cree Nation with legal analysis and support, and a timeline regarding when each step of work will be completed;
- h. the establishment of an outline of meetings, including locations, participants, purposes, goals, and times;
- i. an outline of the steps to be accomplished between each meeting (including but not limited to the collection and provision of information and the work of experts or legal counsel);
- j. an outline of the internal community consultation to be carried out by or in collaboration with Mathias Colomb Cree Nation (including but not limited to community meetings, dissemination of materials to community members, the work of staff in developing such materials and administering consultation processes), and a timeline regarding when each step of that work will be completed;
- k. identification of the points in the process that require review by Council and identification of relevant meetings and decision-making processes, including estimated timelines or meeting dates;

Duties of the Council

26. The Council will provide clear direction to the Mathias Colomb Consultation Officer and other staff in all matters relating to MCCN Licence to Operate processes.
27. The Council will be guided by this *Consultation and Consent Law* as well as the traditional laws, protocols, values and rights of Mathias Colomb Cree Nation, and the needs and choices of Mathias Colomb Citizens.
28. The Council may seek the direction of Elders as needed.
29. This Council is responsible for communicating with, reporting to and consulting with Mathias Colomb Citizens on MCCN Licence to Operate processes on a regular basis, or ensuring that the Mathias Colomb Consultation Officer or other staff provides such updates.
30. Only a quorum of Council, or a person specifically designated by Council to do so, can authorize substantive positions respecting the substance of accommodations, or the rights and interests of Mathias Colomb Cree Nation.
31. Only a quorum of Council can provide consent to a Development through a MCCN Licence to Operate, or indicate in writing that the consent of a MCCN Licence to Operate is not required.

Mathias Colomb Consultation Officer

32. The Council will appoint a Person to carry out the duties of the Mathias Colomb Consultation Officer under this *Consultation and Consent Law*, and Council may replace that appointment at its discretion. If the position of Mathias Colomb Consultation Officer is vacant, the Band Manager will perform these duties until the position is filled.
33. The Mathias Colomb Consultation Officer is responsible for:
 - a. maintaining all records relating to MCCN Licence to Operate processes in a safe and orderly manner;
 - b. receiving, filing and processing all notices, letters, project information, and other records relating to MCCN Licence to Operate processes;
 - c. ensuring that notes are kept of meetings and phone calls;
 - d. informing the Council of any new notice or other significant change, regular updates, and all other relevant matters on ongoing MCCN Licence to Operate processes;
 - e. responding to the Crown and/or proponents, as applicable, in accordance with this *Consultation and Consent Law* and on the directions of Council; and

- f. assisting Council and other staff members as required to design appropriate consultation and review processes, to identify resources required, to develop workplans and budgets, to implement agreed workplans and budgets, and to engage in negotiations on behalf of Mathias Colomb Cree Nation.
34. Upon receiving a written notice, letter or invitation from the Crown or a proponent regarding a proposed Development on Mathias Colomb Lands, or a change to a Development on Mathias Colomb Lands, the Mathias Colomb Consultation Officer will:
- a. record the date when the notice, letter or invitation was received;
 - b. notify the Council by providing a copy along with a summary of the document and any other important details known at that time;
 - c. properly file all documents;
 - d. provide the appropriate Crown and/or proponent with a copy of this *Consultation and Consent Law*, the contact information of the Mathias Colomb Consultation Officer, and a copy of the *United Nations Declaration on the Rights Indigenous Peoples*;
 - e. provide a covering letter referencing the applicable notice, letter or invitation and confirming that Mathias Colomb Cree Nation is reviewing the matter and no new Development should occur in the interim; and
 - f. seek the Council's direction on the response to be taken pursuant to Section 17 above.

Conflicts of Interest

35. The Chief, each Councillor, and the Mathias Colomb Consultation Officer must declare any personal conflict of interest in a development being considered by Mathias Colomb Cree Nation, and must take appropriate steps to avoid that conflict, including potential withdrawal from decisions if necessary, and any steps directed by a quorum of Council.

Enforcement: Tickets

36. Without limitation to Section 38, if a Person has been found by an Officer to be in violation of this *Consultation and Consent Law*, an Officer may issue a ticket to the Person specifying a fee in the amount set out in Schedule "A".
- a. A person who has been issued a ticket must pay the ticket fee to the Mathias Colomb Cree Nation within 30 days.
 - b. The Mathias Colomb Cree Nation will issue a receipt upon payment.

37. If a Development is operating without a MCCN Licence to Operate and violates this *Consultation and Consent Law* for over one week, each week of the violation will be treated as a separate offence, and the offender may be fined for each week.

Enforcement: Other

38. The issuance of a ticket under Section 36, or the payment of such ticket, does not in any way limit other remedies, damages, forms of action including legal proceedings or other steps that Mathias Colomb Cree Nation may take with respect to a violation or anticipated violation of this *Consultation and Consent Law*. Mathias Colomb Cree Nation waives no rights whatsoever by this *Consultation and Consent Law* or through an issued ticket. A ticket fee required or paid under this *Consultation and Consent Law* is in addition to any other remedies, penalties, duties and other obligations or causes of action that may apply in the circumstances.

Schedule A

39. The Schedule, being Ticket Fees, attached under Schedule "A" forms part of this *Consultation and Consent Law* and may be amended by a resolution of the Council.

Coming into Force

40. *This Consultation and Consent Law* comes into force after it is enacted by the Council, Mathias Colomb Cree Nation website, in the *First Nations Gazette*, or in a newspaper that has general circulation on the Mathias Colomb Reserves, whichever the Council considers appropriate in the circumstances.

SCHEDULE A

TICKET FEES

Violation of Section 6 (undertake a Development without a MCCN Licence to Operate)	\$1,000
Violation of Section 7 (fail to apply as soon as possible and well in advance)	\$500
Other violation (e.g. process violation)	\$200

THIS CONSULATION AND CONSENT LAW IS HEREBY ENACTED by Council at a duly convened meeting held on the 15th day of May, 2025.

A quorum of Council consists of 5 members of Council.


Chief Gordie Bear


Councillor Wanda Bighetty


Councillor Arlene T. Caribou


Councillor Moses Castel Sr.


Councillor Selena Castel

Councillor Steven C. Castel


Councillor Connie Constant


Councillor Brenda Dumas

Councillor Travis Dumas

Councillor Alma Hart


Councillor Kelly Linklater