

**CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL**

NO.: 500-05-043203-981

SUPERIOR COURT

MARIO LORD ET AL,

Plaintiffs-APPLICANTS

v.

**THE ATTORNEY-GENERAL OF QUÉBEC ET
AL,**

**Defendants (Mis-en-cause
except for Respondents)**

and

**THE PROVINCIAL ADMINISTRATOR UNDER
SECTION 22 OF THE JAMES BAY AND
NORTHERN QUEBEC AGREEMENT ET AL,**

Defendants-RESPONDENTS

AFFIDAVITS

Cited as:

Feit, Harvey A. 1999. "Affidavit" [On the Social Impacts of Commercial Forestry on James Bay Cree], submitted to Quebec Superior Court (No. 500-05-043203-981) in Mario Lord et al., vs. The Attorney-General of Québec et al. 29 pp.

Affidavit of Harvey A. Feit

I, the undersigned, Dr. Harvey A. Feit, residing and domiciled at 88 Cline Avenue North, Hamilton, Ontario, L8S 3Z6, being duly sworn do declare and say that:

A. Qualifications and Research Experience in the James Bay Region

1. I am presently Professor of Anthropology at McMaster University.
2. I have held faculty appointments at McGill University and at Carleton University, and have held visiting appointments at the Laboratoire d'Anthropologie Sociale, CNRS (Paris, 1993), and the London School of Economics and Political Science, LSE (1984-85).
3. I received a Ph.D. from McGill University in 1979 in anthropology, and my Doctoral Dissertation was on the hunting economy, society and culture of the Waswanipi Cree people.
4. Since that time I have continued to carry out research and work on James Bay Cree hunting, culture, economy, ecology, and history, and on the relationship of the Cree to governments and non-Native institutions.
5. I have conducted field research in the James Bay region to study Cree hunting, land use, cultural ecology, wildlife management, social organization and culture including: 21.5 months of field research at Waswanipi – 10 months during the period 1968-1970, on occasional visits each year from 1975 to 1977, two weeks in 1978, 1.5 months each in 1979 and 1980, 1 month in each of 1981, 1982, and 1983, two weeks each in 1984 and 1985, one week in 1987, two weeks in 1991, one week in 1995, two months in 1997, and one month in 1998; plus two weeks of field research at Mistassini – in 1974 and 1979; and occasional research at Fort George (Chisasibi Cree), in 1973-75.
6. I have been the academic advisor of graduate students and post-doctoral fellows who did field research under my supervision in Nemaska, Waskaganish, Wemindji and Chisasibi in Quebec, and in northern Ontario, northern Alberta, British Columbia and interior and coastal Alaska.
7. I was a member and first Chair of the James Bay and Northern Quebec Native Harvesting Research Committee (1975-82), which administered a budget of \$1,016,000 funded by the Government of Quebec, the Government of Canada, the Cree Regional Authority, the Makivik Corporation, the James Bay Energy Corporation, the James Bay Development Corporation, and Hydro-Québec, to conduct wildlife harvest studies in all eight Cree communities, and the Inuit communities of northern Quebec.

8. I am a specialist on societies, cultures and economies of the Cree of northern Quebec, sub-arctic North America, and hunting and gathering peoples of the world, and have made scholarly visits to the NWT, Alaska, the Northern Territory of Australia, and eastern Siberia.
9. I gave court testimony, and was an advisor to the James Bay Cree, during Kanatawat, *et al.* (1972-73). I was an advisor to James Bay Cree negotiators during negotiation and implementation of the James Bay and Northern Quebec Agreement (JBNQA) (1974-78 and occasionally thereafter), with special emphasis on the hunting, fishing and trapping regimes, the income security program for Cree hunters (ISP), the environment regimes, and economic development.
10. I conducted research on the impacts of the ISP and other aspects of the JBNQA in the Cree communities (1977-79), with funding from Québec ministère des Affaires sociales.
11. I have been awarded ongoing support for scholarly research funded by grants from the Social Sciences and Humanities Research Council (SSHRC, 1981-present, 9 grants), a Quebec FCAR team grant (1994-97), an SSHRC team grant (1991-95), the National Museum of Man (now National Museum of Civilization) (1982-86, 1969-73, 8 grants), the Canada Council Killam program (1978-80), Canada Council Doctoral Fellowships (1968-70, 3 grants), and Gouvernement du Québec, Bourses honorifiques (1968-71, 4 grants).
12. I have prepared reports on the JBNQA and on Cree hunting and culture for the Government of the Northwest Territories, Renewable Resources Department (1987), Tungavik Federation of Nunavut (1985), Alaska Native Claims Commission (1984), Dene-Metis Negotiations Secretariat (1984), Gitksan-Carrier Tribal Council (1981), and the Labrador Inuit Association (1979).
13. I was the President and a member of the executive of the Canadian Anthropology Society (CASA) (1990-93), a member of the Royal Commission on Aboriginal Peoples, Research Advisory Committee (1993-95), and I am presently the North American Regional Editor of the *The Cambridge Encyclopedia of Contemporary Hunting and Gathering Peoples* (1994-present).
14. My *Curriculum Vitae* will be found in Exhibit R-

B. Basic Data on Cree Intensive Hunters

15. I will call hunters who meet the eligibility criteria for ISP benefits "intensive hunters." To receive ISP benefits an individual or head of family must have spent at least 120 days in harvesting and related activities during the previous year, in addition to having met other conditions, before eligibility for benefits can be established.
16. The number of Cree people who hunt intensively on the land (I generally use the term hunting to include hunting, fishing, trapping, gathering plant resources and living in bush camps) in the communities of Mistassini, Nemaska, Oujé-Bougoumou, Waskaganish, and Waswanipi, and who are eligible for ISP benefits, totaled 952 adults in 1996-97. Their family units included 531 children (data from Table 1 in the Cree Hunters and Trappers Income Security Board [ISP Board], *Annual Report* for 1996-97, Exhibit R-16).
17. The number of families and individuals hunting intensively and eligible for ISP benefits has remained relatively steady over most of the last two decades, showing a small decline approximately three years ago, but it remaining at a level that is higher today than in the initial years of the program from 1977-83 (data from the Cree Hunters and Trappers Income Security Board, *Annual Reports*, summarized in *Adults Benefiting from the ISP Program by Year & Community*, in Exhibit R-15). In general, the ISP Board attributes the recent changes to young families staying in the villages during the period in which their children are in school, with increased participation in wage labor (see page 12 in the Cree Hunters and Trappers Income Security Board [ISP Board], *Annual Report* for 1996-97, Exhibit R-15).
18. The members of intensive hunting families eligible for ISP benefits represent 22% of the resident Cree population of the communities of Mistassini, Nemaska, Oujé-Bougoumou, Waskaganish, and Waswanipi in 1977 (data from Table 2 in the Cree Hunters and Trappers Income Security Board [ISP Board], *Annual Report* for 1996-97, Exhibit R-14). This percentage has been decreasing over time because the Cree population is growing rapidly.
19. However, the actual number of people hunting intensively today, and eligible for ISP benefits, is more than or equal to the number of people who were hunting on the land at any time in history before the JBNQA for which we have recorded population estimates. Published data go back approximately 170 and 140 years to the 1820s and 1857, and in a few cases earlier. (For a survey of historical hunter and population data for the communities of Mistassini and Waswanipi see *Historical Population Figures for Mistassini and Waswanipi Compared With Post-1960 Numbers of Intensive and ISP*

Hunters, Exhibit R-16).

20. People who hunt intensively and are eligible for ISP benefits include people of all age ranges and both sexes. Forty-four percent of all ISP beneficiaries are women. Twenty-seven percent of all ISP beneficiary unit heads are from 18 to 27 years old, 28 percent are from 28 to 47 years old, 25 percent are from 48 to 67, and 21 percent are 68 and over (data from Table 3 in the Cree Hunters and Trappers Income Security Board [ISP Board], *Annual Report* for 1996-97, Exhibit R-14).

C. How Much Time Intensive Hunters Spend in Hunting Camps

21. Adult ISP beneficiaries receive just over \$40 per day in 1996-97 for days spent in the bush engaged in hunting and related activities. Adult ISP beneficiaries in the communities of Mistassini, Nemaska, Oujé-Bougoumou, Waskaganish and Waswanipi spend an average of 186 days a year, six months, in the bush in hunting and related activities (data from Tables 6, 1 and 4 in the Cree Hunters and Trappers Income Security Board [ISP Board], *Annual Report* for 1996-97, Exhibit R-14).

D. Wide Range of Animal and Plant Resources Used by Cree Hunters

22. On the land James Bay Cree hunters harvest many kinds of game, including: moose, caribou, black bear, and beaver among the "big game"; waterfowl including the three major species of geese, all three species of loons, nearly two dozen species of ducks; five species of game birds; eight species of fur bearers; a dozen species of fish; small mammals; and several sea mammals in coastal communities (data from Table 2-4 in the JBNQ Native Harvesting Research 1982 report, *The Wealth of the Land*, an extract of which is Exhibit R-17).
23. In the period from 1974-75 to 1978-79, the last years for which we have comprehensive data, wildlife harvests provided between 1.7 and 2 million pounds of edible food per year to James Bay Cree families and communities. This averaged 303 to 394 pounds of meat per adult consumption unit per year (data from Tables 4-35 and 4-34 in the JBNQ Native Harvesting Research 1982 report, *The Wealth of the Land*, an extract of which is Exhibit R-18).
24. The pelts of many furbearers are sold commercially, and moose, caribou hides are used to make mittens, gloves, moccasins, pouches and bags, and the lacing of snowshoes. Some fur bearer pelts are used as liners and trim, goose-down is used for quilts, and bear skins are used as sleeping mats. Commercially produced versions of these products are used as

well. But in many cases Cree made items are preferred, and continue to be made despite the considerable labor required, as exemplified by widespread production of moose-hide mittens and moccasins.

25. Most hunting camps built for long-term stays are now built largely with purchased materials. Cree families typically use trees for firewood to heat their camps and for much cooking. Most camps built for short-term visits away from the main camp, or for summer use, are built of local logs. Tent frames and racks are usually made of local poles. Moss provides caulking and insulation for log camps. Spruce boughs, renewed about once a week, are used for insulated flooring in camps built on the ground.
26. Some kinds of trees are used to produce smoke in order to tan hides, some other kinds are used to smoke and preserve fish and meat.
27. A wide variety of trees are harvested to provide specific kinds of wood which are used in the production of specialized hunting equipment, including snowshoes, toboggans and sleds, ice scoops, webbing needles, hide-stretchers, fishnet floats, paddles, and toys among others. For many of these products, trees with particular qualities are required, some items need flexibility, others need strength, floatation, or the ability to resist rot. Some of these items are frequently made locally even though manufactured versions are available and are also used. Hand-made equipment made of local materials are generally considered superior to purchased items, for example wood and moosehide snowshoes which are strong and light, beautifully decorated, and usually built to the needs of an individual user.
28. Various plants are harvested, especially by women, for medicinal and herbal use. Berries are harvested in season, and sometimes preserved, while blueberries are also harvested in order to be sold to itinerant commercial buyers. There is a growing awareness of the potential of medicinal and herbal resources in the Cree communities today.

E. Basic Statistics on Employment

29. Both Cree who hunt intensively and Cree who have full-time paid jobs can be considered fully employed. In 1994, the last year for which we have comprehensive employment data, 703 Cree had full-time jobs in the communities of Mistassini, Nemaska, Oujé-Bougoumou, Waskaganish and Waswanipi. In general, the people who are employed in full-time jobs work mainly in administrative and service positions in Cree institutions (data from Table 2 in the *Socio-Economic Profile of Cree Communities, 1994*, by Norman D. Hawkins & Associates, March 1997, an extract of which is Exhibit R-19).
30. During 1994, 821 ISP beneficiaries in those same communities, who were between the

ages of 20 and 64 years and therefore were considered to be in the labor force, were fully employed in hunting occupations. ISP beneficiaries were therefore 54 percent of the Cree labor force that were fully employed (data from Table 2 in the *Socio-Economic Profile of Cree Communities, 1994*, by Norman D. Hawkins & Associates, March 1997, an extract of which is Exhibit R-19).

31. Another 544 Cree who were in the labor force in these communities were considered to be in search of full-time remunerated employment. Many of these people were employed seasonally or intermittently, mainly in construction jobs. These jobs are typically seasonal and their availability varies from year to year because many depend on project by project funding (data from Table 4 in the *Socio-Economic Profile of Cree Communities, 1994*, by Norman D. Hawkins & Associates, March 1997, an extract of which is Exhibit R-19). These people could be considered unemployed, or under-employed, and they represent 26 percent of the labor force of these communities.

F. The Cree "Northern Mixed Economy"

32. James Bay Cree economic and social systems are different from those found generally in the developed world because they have foundations in both subsistence and wage earning activities, and the two activities are interdependent. This pattern is not unique to the Cree, it is found from Labrador to Alaska. It is therefore inaccurate in this kind of economic system to radically separate "hunters" and "workers" as permanent groups of individuals. Many people participate in both kinds of activities in the course of a year, or a week, and some individuals move back and forth between spending most of their time in one activity or another over the course of several years.
33. Those Cree who are fully employed, including those with full-time jobs and those who hunt intensively on ISP, each make contributions to the Cree economy in both cash and kind. Their contributions in kind include both opportunities for hunting, and the products of hunting activities.
34. Many of those without full-time employment also depend on both incomes in cash and kind to make ends meet, and seek both opportunities to work and to hunt part-time. The products of their hunting activities are used both personally and to exchange or sell to others in the community. They can hunt around the settlement, and also be periodic visitors to bush camps maintained by intensive hunters.

G. Hunting By Those Who Are Employed and Unemployed

35. People who work in the settlements also do a surprising amount of hunting. Work in Cree institutions is organized to facilitate access to land by full time workers. The workday

ends by 4:30 p.m. for most employees. During the part of the year when daylight continues quite late into the evening at these latitudes, many people who work can go out fishing, hunting small game, or gathering berries, several evenings a week. The workweek ends at noon on Friday, and many people go out to bush camps, or to tents they have in the bush near roads, for a long weekends on the land and hunting. Others make day trips during weekends.

36. In addition, most Cree organizations and employees take off during the school breaks for a week in the fall and two weeks in the spring. These breaks plus regular vacations in summer and at Christmas to New Year's allow employees to easily spend extended periods in hunting camps throughout the year.
37. The twenty-three Cree men and women at Waswanipi who held full-time employment, and who answered the relevant questions during my research in the summer of 1997, averaged 53 days hunting during the previous year, nearly two months of hunting.
38. The same research showed that thirty-six men and women with seasonal and part-time work at Waswanipi averaged 36 days hunting during the year.
39. Nine unemployed men and women interviewed at Waswanipi in 1997 averaged 103 days per year hunting.
40. These data show that people who have jobs or are seeking jobs still spend a significant amount of time and effort hunting during the course of a year.
41. Another example of the northern mixed economy is that many intensive hunters also take remunerated employment. ISP beneficiaries earn about 23 percent of their incomes from sources outside the ISP, mainly in seasonal jobs (data from Page 14, Exhibit R-14).
42. In the northern mixed economy people who are employed or seeking employment are often also active hunters. Thus the land is used and important to all sectors of the community not just the intensive hunters.

H. Widespread Concern for the Land

43. Many people who work and/or live primarily in the settlement highly value hunting activities and living on the land, as the amount of time and effort they put into travel to and use of the land suggest. The research I conducted in the summers of 1997 and 1998 showed a widespread interest in and concern for the land among Waswanipi people with

all kinds of working and hunting patterns.

I. Formal Education Has Been Adapted to Provide Skills for Hunting and Living on the Land

44. In addition to providing elements of a standard curriculum the Cree School Board schools seek to assure that every child has the opportunity to learn the skills and gain the knowledge necessary to participate in hunting and land based living activities. Schools have Cree culture teachers who organize in-school teaching and learning opportunities. Many have camps set up on the land for students to spend a day or a week for hands-on learning during the school term from Cree families skilled in living on the land.
45. Schools also shut down for the fall and spring hunting breaks, typically of one week in the fall and two in the spring. During the school breaks most students join their parents and relatives at bush camps where they can participate in camp life and learn about hunting and land-based activities by learning-by-doing in a family settling. During the summer school break many families also go to fishing and berry-picking camps for various periods of time.

J. Identities of Most Cree are Tied to Hunting and Living on the Land

46. The identities of most James Bay Cree people today are closely tied to the knowledge and skills for hunting and living on the land that are widely valued and shared within the Cree communities. These skills are actively used by most Cree during the course of the year. The value attached to this knowledge is communicated to younger generations through recognizing the importance of activities on the land in formal schooling, and by providing time for students to live with families on the land.
47. The distinctive knowledge and competence that most Cree acquire to hunt and live on the land are given prominence in many community activities. For example, gatherings, assemblies and conferences organized at bush sites emphasize and celebrate the value of land-based skills to all Cree. The ways the communities represent themselves to outsiders and visitors, for example by inviting them to visit traditional bush buildings in the settlements, highlights Cree knowledge to non-Native people.
48. Hunting and bush living knowledge and skills are some of the central features that distinguish the James Bay Cree as individuals and as a society from the non-Native society that surrounds them, and this enhances their importance for both Cree and non-Cree.

K. Sharing and Reciprocity are Central to Hunting Activities

49. Intensive hunters who receive ISP benefits organize their hunting activities in such a way as to make the visits of settlement-based people to their camps easier and to make the visiting hunters' harvesting activities more rewarding. They may keep trails open so visitors do not have to break new trails when they arrive. They share information about where animals or plants of value were sighted or are likely to be found. They typically will have supplies of bush foods and firewood available for immediate use when they know visitors are coming.
50. Full-time workers typically have the highest incomes, and they often share hunting equipment with those with less cash, or they may pass along used equipment, or provide services with their cars or trucks to those who do not have any vehicle.
51. This extensive sharing and reciprocity extends not only to production but also to the exchange and consumption of the products of the hunt. Animals, specialized plants, pelts and other bush products will be shared widely with close relations and friends. It is considered normal for a hunter who catches big game to share half of it with other people. In return he will get some back when others have success. But the overall pattern is to shift some food and other products of the land from those most able to harvest them to those with less access or opportunity.
52. Gifts of goods and services take place both through daily individual exchanges, and through wider community events such as feasts, which often occur every week or two and where enough foods and goods are served that everyone can take some home for later consumption.
53. In most hunting and gathering societies such reciprocity is found to be a daily practice which involves substantial amounts of goods and services. This feature creates an economy and society based on a much greater degree of sharing than in industrialized societies, and it is one of the distinctive features of these societies. While practices of reciprocity respond to changing conditions, they remain very common and widespread in hunting societies today, and they are one of the most distinctive features of James Bay Cree society.

L. Sharing and Reciprocity are Activities that Integrate Cree Society

54. In James Bay Cree society reciprocity is a norm, it is expected that people will share their resources with kin and friends, and with wider community on social occasions. Failure to do so is a subject of disapproval and public comment and pressure.
55. While sharing is less common than it once was, it remains an expectation, a daily practice, and a distinctive feature of Cree society. Most Cree actively seek to sustain these values and practices of reciprocity in changing conditions.
56. This does not mean economic life is idyllic, or fully egalitarian. There are more differences in wealth, values, and activities among James Bay Cree today than in the past. But this is nevertheless a society in which there is a very active value placed on sharing, egalitarianism and respect for each person throughout daily life.
57. One consequence is that James Bay Cree communities are relatively well integrated societies, where people are linked together by ongoing experiences of giving and receiving goods and help from each other.

M. Cree System of Land Use and Stewardship

58. The James Bay Cree system of land use and management is based on the system of hunting territories and hunting stewards, which are recognized in Section 24 of the JBNQA where they are called "Cree traplines" and "Cree tallyman." The hunting territories system is the basis for organizing social access by Cree to the land for extended living in bush camps, and for hunting big game or substantial numbers of other species.
59. The hunting territory system has existed among James Bay Cree for at least several centuries according to fur trade records (see Toby Morantz, 1986. "Historical Perspectives on Family Hunting Territories in Eastern James Bay," in *Anthropologica* 28[1-2]: 65-91, Exhibit R-29). My opinion is that the system is of aboriginal origin. It has also responded to changing conditions over time, both before and during the fur trade.
60. The whole of the over 360,000 sq. km. of land on which the James Bay Cree hunt is divided into territories of 300 to several thousand sq. km., each under the supervision and stewardship of a hunter.
61. The steward and his spouse typically know the land intimately from years of use, and they decide if it will be hunted in the coming year or if the game need to be allowed to

replenish. They also decide who and how many families will hunt on the land, and which game they will try to catch and which they will allow to grow.

62. Stewards know the animal populations of their territories well. They may know the locations of over 100 beaver lodges, and know how many adult and young male and female beaver they caught when the lodge was last trapped. They generally try to hunt so that beaver lodges and wildlife populations remain healthy and productive. When the right numbers are hunted, the number of beaver does not exceed their food supply, and the whole population of beaver is healthy and productive.
63. Moose populations are easy to over-hunt, and Cree stewards are generally concerned to limit their harvests to levels the moose populations can sustain. Here caring and responsibility extend in practice beyond the confines of human society to encompass animals as co-inhabitants of the land.
64. A key part of the system of reciprocity among people and families is the offering of invitations to use traplines to those people who are not stewards, and who do not have ready access to a hunting territory they use regularly. To invite someone to use a territory is to offer them food, and the opportunity to hunt or harvest resources. It is one of the most valued kinds of "gifts."
65. Some aspects of the hunting territory system have been modified during the last decades in response to some of the changes in James Bay Cree society and environment. With the growth of the Cree population, with increased competition for game from sport hunters, and with deterioration in the environment caused by resource developments, Cree stewards cannot always invite all those who want to hunt to share their land. A related change has been the expansion of informal areas of "commons" near communities and highways where long-term access is relatively open to all Cree, a change that helps facilitate access to the land by settlement-based hunters and those without invitations to more distant hunting territories. A third change is having a larger number of stewards who themselves are not intensive hunters, but who wish to have a say in, and benefit from, how the land is used. These non-intensive hunting stewards are a minority of all stewards, and daily life on their hunting territories is usually guided by camp "bosses" who live there and are intensive hunters.
66. Data from the period from 1968 to 1976 at Waswanipi show clearly that stewards, and/or hunting camp bosses, were able to harvest the main game species they hunted, moose and beaver, so as not to deplete the resource in the long-term. They did this by monitoring indicators of the condition of moose and beaver populations and respecting the needs of

the animals. If signs showed that the harvest should be reduced, they would typically shift the hunt to other areas or to other game in order to give stocks that showed signs of reduction the opportunity to recover. The resulting stability of the populations of these two species in the region between 1965 and 1976 was confirmed by government aerial surveys of moose and beaver populations.

67. Even as the James Bay Cree population has grown dramatically in recent years, Cree hunters have carefully and generally kept their wildlife harvests to levels that do not have adverse effects on the game populations, and they have increased their use of purchased foods to meet the new subsistence needs of a growing population.

N. Cree Culture – A Spiritual Worldview of the Land

68. James Bay Cree who live on the land have a distinctive view of the land, tied closely to their own distinctive identities, culture and spirituality. One feature of this distinctiveness is that whereas most Canadians draw a deep difference between human society and nature, land and animals, Cree hunters typically do not. They use a metaphor of society to tie humans very closely to animals and land. “Land” is used here in the fullest sense of the term - covering all living things, including vegetation, as well as surface geology. Animals, plants and geographic features can all be thought of as persons in this Cree view of the world, or worldview. As a result, the Cree hunters live in a world that is a social world in their view, many features of the landscape from animals and vegetation, to lakes and rivers to mountains, are active persons. Animals each have their own types of families and societies. A. Irving Hallowell, the anthropologist who first synthesized an academic description of this worldview among the Ojibwe, in the 1930s and 1950s, called it a world in which there were other-than-human persons. These persons may be manifest directly or as spirits inhabiting and caring for places.

69. As a consequence, the relationships of Cree to the land are moral relationships, in which reciprocity and caring are expected between humans and other-than-human persons. Treating the land respectfully and nurturing it are part of what people owe to the other-than-human persons in exchange for using the land. If one does not respect them, then one can expect to be denied what one needs, or given bad luck in the hunt, or bad luck in other aspects of one’s life.

O. Cree Religious Traditions and the Land

70. Most James Bay Cree adopted Christianity at the end of the 19th century or early in the 20th century. But almost all kept a view of a personalized world, by incorporating the spirit persons as the helpers of the Christian deity. Some missionaries resolutely sought

to change this, others saw Cree as leading exemplary Christian lives in other respects, and made accommodations. This pattern still holds true today.

71. There are some Cree who never gave up “traditional” religion, or who have returned to it as their exclusive faith. There are some Cree who reject the world of other-than-human-persons, either on religious grounds, or as a result of secularized worldviews presented at some schools. But the majority of James Bay Cree hold views that draw on Christian and distinctive Cree traditions.

P. Concerns for Hunting and the Land in the Negotiation of the JBNQA

72. The concerns of James Bay Cree hunters to maintain respectful relationships to the land, and to maintain their own hunting practices and culture had a major impact on the structure of the James Bay and Northern Quebec Agreement. In my experience during those negotiations, it was an initial view of government negotiators that an agreement would be largely concerned with compensation and remedial measures, and this reflected the then existing government policies.
73. Cree negotiators were directed by a broad consensus in the Cree communities that the agreement had to contain provisions affording recognition and protection of Cree hunting and of the land. It became clear to all sides involved early in the negotiating process that no agreement would have broad support in the Cree communities unless such provisions were included.
74. As a result of Cree insistence, the negotiating process devoted considerable time and effort to developing the hunting, fishing and trapping and the land regimes in the agreement, and the supporting ISP and environment and future development provisions of the Agreement. The hunting, fishing and trapping regime recognized Cree rights and established their priority over alternate uses of wildlife.
75. To assure these rights could be exercised by future generations of Cree the negotiators insisted that the land be sufficiently protected during development so that there would continue to be wildlife and resources to hunt and gather. This was expressed in the principle of conservation, and the development of the environment and future development regime.
76. They also insisted that there be an ISP program to assure that hunters would have sufficient cash incomes to meet the needs of modern hunters, so people could continue to go out on the land and maintain a hunting way of life.

77. The inclusion of these provisions was largely a new emphasis in contemporary treaties. For example the Alaska Native Claims Settlement Act in the United States, which had been completed in 1971, focused more on land ownership and cash settlements. In my judgment, the James Bay Cree gave up opportunities to have a larger cash settlement by their insistence on achieving means of continuing Cree hunting society and protecting the land and wildlife in perpetuity.

Q. Importance of the JBNQA in the View of Cree People

78. The emphasis on these provisions by Cree during the negotiations, and their inclusion as prominent features of the JBNQA assured the Cree that they would be able to continue hunting and their way of life for future generations. My research in the communities in 1975 to 1977 indicated that many Cree thought that the governments had understood and been willing to act in ways that respected Cree concerns, both practical and moral. Many Cree thought that the agreement guaranteed the future of their land-based activities. Key to this were the provisions that development of the resources on the land would be conducted in ways that would be made compatible with Cree activities.
79. There were some observers of the JBNQA, in the media for example, who thought that it was a “sellout” or a mistake on the part of the Cree to sign. Cree interviewed in the communities about these evaluations made clear that they thought the government should be trusted. In their view it made no sense, practically or morally, to recognize hunting rights and provide payments for people to continue hunting, and then fail to implement other provisions of the Agreement which were essential to the successful continuance of hunting activities and the hunting way of life.

R. Early Cree Concerns with the Impacts of Forestry Operations

80. Based on the research I conducted with James Bay Cree hunters from 1968 to 1970 and from 1974 to 1978, Cree hunters were concerned about the impacts of forestry both before and at the time the JBNQA was being negotiated. The extent of forestry operations in these years was still moderate, so the concern only affected those whose lands were being cut at the time. Where forestry was occurring Cree hunters thought that the way forestry operations were being conducted had negative impacts on their hunting and way of life. Not all impacts were negative. However, there were important negative impacts that were of considerable concern to Cree. These impacts were not directly offset by the benefits. As part of my research I heard about these concerns regularly from people during those years, starting in the very first few weeks I was doing field research in the Waswanipi

region in the fall of 1968. As I indicate below, these concerns became more widespread and more serious over time.

S. Cree Concerns Expressed During Negotiation of the JBNQA

81. At the beginning of the negotiation of the final JBNQA agreement, early in 1975, Cree concerns over hydroelectric project works and over forestry led the Cree negotiators to insist on interim measures about development activities during the period of negotiations. The Agreement in Principle signed in November 1974 included the framework for a hunting, fishing and trapping regime, and initial commitments to an environmental and social protection regime. A sub-committee of which I was a member started negotiating the latter regime early in 1975 and the first item negotiated was an interim measures agreement, which assured that Cree would be informed and have a chance to be consulted in all new development in the territory. It was a relatively simple agreement, but it is significant that it did not apply only to hydroelectric development, but to all types of activities with potential environmental and social impacts without restriction by type of resource or industry.

T. Cree Hunters' Views of the Impacts of Forestry in the 1980s

82. When I returned to do more intensive research again at Waswanipi first on the effectiveness of the ISP in the summers of 1979 and 1980, and then for a full restudy of how Cree hunting had changed between 1968-70 and 1981-85, I had many interviews with stewards and hunters on whose lands forestry had expanded. Many of these hunters expressed concerns about how forestry was affecting them.

a. Effects on Animal Behavior

83. The noise created by forestry operations was said to tend to scare moose and make them more skittish and harder to hunt.
84. Many hunters reported that several species of game tend to be encountered less frequently, because they move away, after the forests have been cut, especially moose. It was also said that moose and some of the other species might later increase when appropriate vegetation is reestablished.

b. Effects on Cree Harvests of Game

85. Many hunters indicated when reporting on wildlife harvests that they caught fewer moose, and less of some other species due to the effects of forestry.

86. Beaver populations were often said to be reduced because of changes in the streams and water systems as a result of forestry operations. This could be the result of poor culvert construction, or trees falling in the streams because of cutting too close to the shore. Even when a tree border was left standing along the shore, interviewees said that strong winds would sometimes be able to throw down trees when there is no adjacent forest cover. As a result beaver too often “move away.”
87. In the communities of Mistassini, Nemaska, Waskaganish and Waswanipi (Oujé-Bougoumou was not yet established at that time), moose was the most abundant harvest in the Cree hunt by food weight produced. In the three inland communities, Mistassini, Nemaska and Waswanipi, beaver was the second most abundant harvest in the hunt by food weight produced. At Waskaganish, beaver was the fourth most abundant harvest by food weight produced, following the harvests of moose and two species of geese (data from Table 3-64 in the JBNQ Native Harvesting Research 1982 report, *The Wealth of the Land*, an extract of which is found in Exhibit R-21). In addition, beaver tended to be the fur-bearer that produced the single largest income from the sale of fur pelts during this period. Hunters said reduced harvests caused economic hardships.

c. Disrespect By Forestry Companies

88. The disruption of animal populations has moral and spiritual implications for most James Bay Cree hunters. To say animals “move away” is a Cree hunters’ way of thinking about the observation that the numbers of these animals signs and sightings decline in the region. Thinking this way emphasizes that in the Cree worldview the animals do not just die off, they leave because they do not like what has been done to the land. In other words, for the Cree hunters the way forestry operations are conducted is disrespectful to the land and the animals. The animals respond to this as persons, and that is part of the reason why the animals leave.
89. This disrespect affects many Cree too. For the Cree this means that the Cree hunters themselves may be visited by bad luck and ill fortune by the spirits of the animals and the land.

d. Impacts of Forestry Roads

90. Hunters reported that forestry roads may provide easier access for them to their hunting territories. Costs of travel between settlements and hunting camps maybe reduced. It may also be easier to arrange travel to the bush, making it easier for settlement-based hunters to

travel to bush camps for hunting trips.

91. But Cree also noted that the roads they want to use are often not kept open in winter, while others are not maintained in summer either and are allowed to fall into disrepair after they have been used by forestry companies. Cree noted that they have no say in the location, or maintenance of roads. Thus while they benefit from them, those benefits are not taken into account in road planning and maintenance decisions. The benefits are unpredictable for Cree.
92. These benefits also come with costs that could be avoided with effective Cree participation and joint planning with governments and companies, but this is not happening. Forestry roads increase the number and the dispersal of non-Cree sports hunters on a hunting territory. Sport hunters often do not travel very far from a road to hunt moose, it is easier to travel along the road, and difficult to transport a moose from far off the road to a vehicle. So the road network is decisive in extending the area accessible to non-Cree hunters and increasing their harvests of game, both legal and illegal, on Cree hunting territories. Cree hunters say this access should be restricted through road maintenance decisions in which they should have their say.
93. The increased access to hunting territories created by forestry roads was associated with increases in both thefts and vandalism of the equipment and of the camps which Cree hunters have on the hunting territories. This creates added costs, not only for replacement of stolen or damaged property, but in order to protect goods. For example, some hunters told me that they felt they now had to transport their snowmobiles and canoes out of the bush each summer to protect them, and they showed me their bills for increased transportation costs.
94. In addition, theft and vandalism sometimes put families at personal risk. One family told of flying into a hunting camp which was on a road which was not plowed in winter. After the chartered plane dropped them and left they found that their snowmobiles and other equipment had been stolen. They spent several very uncertain days waiting for good weather for a plane to return to pick them up.
95. In cases of loss of equipment, where people do not have rapid access to sufficient additional cash or credit to replace lost items and re-finance travel to the campsite, the entire hunting year was sometimes foregone or substantially truncated.

e. Loss of Accessibility to Tree and Plant Resources

96. Some hunters and their partners indicated that supplies of particular types of trees which were needed to make specific kinds of equipment were no longer readily accessible, after logging companies removed the stands of these trees that had been the regular source of supply.
97. Several interviewees stressed that forestry not only had effects on wildlife, but that bushes and undergrowth were dramatically changed by forestry. This sometimes reduced available plots of plants that served a variety of purposes from medicinal or herbal products, to materials needed for equipment, or for crafts that were a source of income. While people acknowledged there were usually other plots accessible this was not always the case in areas accessible to a particular campsite. The additional availability of some plants would not directly compensate the reduced accessibility of others.

f. Reduced Capacity to Share Access to Hunting Territories and Harvests of Bush Food

98. Because of reduced harvests of game on hunting territories that had significant forestry activity some stewards explained in interviews that they had to reduce the invitations they could offer to other hunters to use their land.
99. Comments also indicated a reduction in the amount of “bush food” that could be shared with others.

g. Difficulties Conserving and Stewarding Land and Wildlife

100. The changes in the land, the vegetation and the game make it hard for Cree hunters to continue to steward and conserve their lands.
101. Knowing if you are killing too much of any species depends on using past experience of how many signs and indicators of that species one should expect to see in a given area. Forestry cutting transforms the area, and eliminates the applicability of past knowledge. There is no adequate knowledge about when and what vegetation will return, and how animals will respond to those changes over the next several decades.
102. Hence it is unclear what can be hunted now so as to try to protect the remaining animal populations, and respect them.

U. What Changes Hunters Wanted in Forestry Practices?

103. I interviewed several of the stewards in this period about whether they wanted forestry operations stopped on all their land. They had a range of concerns, but on this question almost all indicated that they were willing to have some of the forests on their hunting territories cut. But they wanted a portion of the forests to be left uncut, so that they could hunt that area while the cut portion “grew up.”
104. Cutting on the uncut portion of the hunting territory could then take place at a future date when they could move their hunting and living activities to the portion first cut.
105. Many indicated that the areas they would have wanted to protect first had already been cut, or were then being cut.
106. As part of my research on the use of hunting territories I asked several stewards to draw on a map the areas they wanted protected. None asked that forestry be excluded entirely from their land, and most were willing to indicate the areas they wanted to protect on their hunting territories. The size of the protected areas varied from one hunting territory to another.
107. All the stewards and hunters I spoke to wanted a say in which lands would be cut on their hunting territories, and how much would be subject to cutting. The variability of the conditions on their territories, as reflected in their mapping considerations, showed me how important it was that their knowledge and experience have a place in the decision-making processes.

V. Responses of Governments and Companies to Cree Requests to Modify Cutting Practices

108. The inability of the Cree hunters to have their concerns taken seriously by government authorities or the forestry companies was often a source of concern and frustration for the hunters I interviewed.
109. In meetings I participated in with staff at the Quebec Department of Energy and Resources in 1980 commitments were made to consult with Cree stewards concerning moose yards, trees along watercourses, and related issues.
110. One of the hunters I interviewed twice in the early 1980s, in the summer before his hunting territory started to be cut, and two summers later, told me in the first interview how he had talked to government representatives or forestry company agents about how

they should cut on his land so as to reduce the damage to the land and the impacts on his activities. At the time of the second interview he said how upset he had been that they had ignored his advice, after agreeing to it, and how damaging forestry activities were to his land.

111. Because he has passed away, and he himself cannot speak to the court, I include an excerpt from my field notes of what he said to me about his efforts to cooperate with forestry planners.

[Noah Eagle] "They can hear forestry already, probably it will come, maybe this winter, that's the white man for you. There will be a lot less game, it will ruin the ground for trapping. Those forestry people asked where there are a lot of moose, maybe they will leave that part alone, [we] asked them to leave it alone. They asked him when would be best time to cut down trees, he said winter, then they won't kill many young animals. They said they'd try to leave trees along streams especially if there is beaver. The road they are building is supposed to go right up north."

[Alice Blacksmith, Cree translator]: [It will be] "good for my father. . . ."

[Question by H. Feit: "{What if they cut} half the trapline, {then} wait ten years?"]

[Noah Eagle] "That would be good, that would be a lot better. If they would just cut a little section each time they cut trees. If somebody could control that it would be good. . . . Probably sport hunters will increase when road is built for forestry. . . ."

It takes 20 years for hunting to be good again. This area [where we were talking, which is still covered in brush not high trees] was cut 20 years ago, [there] was a sawmill here, then [a] fire. He'll probably be dead by then. Probably his sons and grandchildren will use it, but he doesn't know if he will live to see that." (Field notes, Noah Eagle, 4/9/1982, Alice Blacksmith translator.)

Two years later he said:

[Noah Eagle] "Another thing I want talk about is the log cutting. They cut down trees close to the rivers and creeks. When they first started that business, they said they'd get the logs just in the bush not close to the river or creeks. But that is not true. They even cut down the beavers' food, poplar. What tree or logs they don't have use of they just push them into the creek or river. I see today too, where beavers loved to lodge, is now all damaged, all their food is cut down and they can't stay there anymore. I see that everywhere I go. They don't do what they said, just to cut down the trees from far in the bush. That's how everyone's ground is. . . .

Maybe in years ahead, we'll just be like the Indians in the old days, they were so poor before the Indian Agent came to help us, or when the Income Security stops. We said when that ends, we're going to stop the cutting of our logs, if there's someone to help us in dealing with that. We won't have nothing left if they keep on cutting down our trees, damaging our land. . . .

If anyone doesn't believe what we say, we could take them there to see or we'd take pictures of what we're talking about. We're not too happy about that, our hunting ground being damaged like that. Some Indians that hunt up north say they have a lot of moose there, where their ground is not yet damaged. I guess the moose just takes off and goes to where the land is good and plenty of their food there. It can't stay where the ground is damaged, it's the same way with all the other animals.

I don't know what will happen to us in the future, but right now we're okay, the way we're living. In the olden days I remember we didn't have any tea or sugar, all we had to drink was from what we cooked, fish, rabbit and other game, we never had anything to make soup. And I think it's going to turn out that way pretty soon, by the way things look, in the past two years. (Field notes, Noah Eagle 5/8/1984, Eva Ottereyes translator.)

112. When I returned to Waswanipi in the summer of 1991 for a brief visit I had several talks` with hunters who were very upset about forestry cutting and its impacts on the lands they hunted. Some expressed explicit anger, a characteristic relatively uncommon among elder Cree.

W. Cree Hunters Wanted Cooperation and a Joint Solution

113. As a result of the increasing concern among the Waswanipi people interviewed in the 1980s and again in 1991 I began to realize how complex and subtle and far-reaching the

impacts of forestry could be. At the same time Cree stewards and hunters reaffirmed that this was not the only possible outcome.

114. Hunters generally said that some types of forestry activities, and some extent of forestry cutting, could be done without having so serious and adverse a set of impacts as the cutting that was actually being done on their hunting territories. There was growing concern that there were no effective responses to their views, while the area being cut-over was being allowed to expand rapidly on their territories.

X. Concerns About Forestry Impacts are Widespread in Waswanipi

115. In the summer of 1997 I administered a questionnaire, with the help of a group of research assistants, to a wide cross-section of the adult population of the community of Waswanipi. In one section of the questionnaire I asked people a series of open-ended general questions intended to allow them to respond with any statements or concerns they wanted to express. Elders were asked, "Is there anything you want to say or comment about what you see on the land?" Other interviewees were asked a series of questions, including: "How important is hunting to you?" "Are you satisfied with your hunting now?" and "Would you like to hunt and work in the future?" We interviewed people of both sexes, and of diverse ages and different involvement with both hunting and employment. I did not explicitly ask about forestry in the questions.

116. Sixty-five percent of people who gave thematic responses (59 of 91) expressed concerns about land, hunting or forestry activities. Of the 59 who had concerns, 42 mentioned forestry as a concern. Six of 91 respondents commented favorably on forestry activities in the region, 7 percent.

117. Respondents from all age and employment groups spoke eloquently about their concerns for hunting, the land and forestry.

Y. Effects of Declines in Moose Harvests

118. The reductions in moose harvests, widely reported by the Cree to be partly a result of forestry cutting, are significant because moose provide such a substantial supply of food. A moose carcass provides an average of some 438 pounds of meat per animal harvested. In the period of the JBNQ-NHR studies (1974-75 to 1978-79), the last period for which we have comprehensive harvest data for all species, moose provided over 50 percent of the total bush food produced by Waswanipi hunters (data from Tables 3-58 and 3-64 in the JBNQ Native Harvesting Research 1982 report, *The Wealth of the Land*, an extract of which is in Exhibit R-²¹).

119. Bush foods are a smaller component of the diets of most James Bay Cree today than purchased foods. But moose and other animals provide fresh meat in communities where there is limited high-quality fresh produce available. In addition, bush foods are seen as clean, more nutritious, and healthier than purchased foods. They are seen as foods that come from animals with spirits. They are still widely said by Cree to be the best food to eat. Reduced harvests of moose are therefore significant to the Cree today.

Z. Reduced Harvests Affect Groups of Interdependent Households

120. With reduced game harvests the ability of hunters and their spouses to share game with others is reduced. The economic impact is not only felt in their immediate and extended families. In the “mixed” subsistence and cash economy that exists in James Bay Cree communities sharing is not just a casual or simple process. Often close kin, for example married brothers and sisters, or an uncle or aunt and their nephew, will be following different combinations of productive activities. Some brothers and sisters may be intensive hunters receiving ISP benefits, while their other brothers and sisters may have steady jobs in town, and still others may have little or no employment. These families may be very closely tied together, economically. Those with more cash typically share purchased goods with others, those with more bush food share and help others with little cash and food to live better. The standard of living of the whole group of families is supported and diversified by these close economic linkages between the different families. Such connections are common in Cree communities.
121. The result is that when the ability of the families who live most extensively on the land to produce food is reduced, this reduction affects the whole cluster of closely connected families. Reducing the economic resources of one family may have an impact on a total of three or four economically interdependent families.

AA. Reduced Harvests Affect Many Families

122. Sharing extends beyond the closely interconnected families. In fact part of what one receives is often passed on to others again. Portions of a moose may be given, for example, to six or ten families, but eventually twenty or thirty or more families may receive parts of that animal. Reduced harvests can therefore have wide impacts.

BB. Reduced Ability to Share Resources Can Weaken the Social Fabric of a Community

123. As these relationships of sharing imply, economy is intertwined with kinship and social relations in James Bay Cree society. This is true of all hunting and gathering peoples around the world. As a result, the ability to share has broad social implications as well as economic consequences. Gifts are not just valuable goods, they have a social meaning. One enters into reciprocity to acknowledge social relations of kinship and friendship to other people. A gift is a part of a series of reciprocal exchanges that affirm the caring and social bonds between individuals, families or friends. Gifts reaffirm those bonds as ones that the giver wants to maintain into the future.
124. The social relations that make up the fabric of James Bay Cree society are thus recreated and sustained by reciprocity and gift giving. Having less to give, through harvesting less or being able to invite fewer kin and friends to hunt on a hunting territory can affect these relationships in subtle but important ways.
125. In general, reciprocity works by recognizing the generosity of the act of giving. A person gives what they can, so having less to give is not seen badly in Cree society. However, the underlying assumption of reciprocity is still that you will give more to others when you can, and in general they will give more later when they can. There is an assumption that shortages will be temporary. It is therefore important for people and their reputations, both givers and receivers, that everyone shares well over the medium term.
126. The problem when resources on hunting territories are reduced by forestry is that the reductions can last for a decade, or more. This can affect relationships because the families using this territory may be able to give significantly less than they receive over a long period. This can affect the willingness of others to be as generous as they otherwise would. For those who have less it can also affect the willingness to try to maintain their ties to others because their exchanges of gifts are unequal over a long period.
127. One or two Waswanipi groups of families whose hunting territories that have been extensively cut from early in the expansion of forestry activities into this region have become socially marginalized over the last five to ten years and I think this is because of their reduced ability to reciprocate.
128. If forestry operations continued at the present pace I think this pattern could be more common, especially for groups of families without much access to regular salaried positions, who depend on land-based resources as the key to their reciprocities and their extended social ties. This could increase the differentiation and social fragmentation in the

society, which these few cases to date have already exemplified.

CC. Extensive Forestry Cutting on a Territory Undermines Cree Ability to Conserve Game

129. Based on the available evidence from the fur trade records (see Toby Morantz, 1986. “Historical Perspectives on Family Hunting Territories in Eastern James Bay,” in *Anthropologica* 28[1-2]: 65-91, Exhibit R-20), and the histories of Cree efforts to conserve wildlife while outside trappers over-hunted in the region in the 1930s, I am of the opinion that James Bay Cree hunters have been successfully conserving and stewarding the major wildlife species of this region since at least centuries prior to contacts with Europeans, as well as thereafter. Their society and culture have developed in part around the practices and knowledge of stewardship, and hunting and conservation are therefore richly connected with many aspects of Cree society and culture.

130. The changes in the land, the vegetation and the game brought about by extensive forestry cutting make it hard for stewards to continue to steward and conserve their lands. Knowing if you are killing too much of any species depends on using past experience of how many signs and indicators of that species one can expect to see in a given area. Many factors can alter game populations so a steward needs to know how game has responded to the particular terrain, vegetation, microclimates, etc. of an area. With such knowledge a steward can have an idea whether changes in game populations are due to such factors, or if they are responses to how many animals are being harvested. One never knows for sure, but stewards have an idea, respond to their insight, and keep responding to the results of their actions over time. Over a few years they can approximate to their goals.

131. Forestry cutting transforms the area, and eliminates the applicability of past knowledge. There is no location-specific knowledge about what will follow cutting, what vegetation will return, when, and how animals will respond to those changes over the next years or decades. This makes it difficult or impossible to adjust the intensity of today’s hunt to levels that might facilitate future harvests, which is the essence of conservation in James Bay Cree hunting.

DD. Cultural Impacts of Forestry Cutting

132. Social impacts of forestry are related to cultural issues. Cree stewards and hunters exemplify the importance of having hunters who can supervise the use the land in ways that conserve, and thus respect and sustain animal populations. Not all hunters and stewards can practice conservation effectively, but the majority of stewards can. Without this capability, the future of hunting and living on the land will be less secure, and with that Cree economy, society and autonomy will also be less secure.

133. Stewards and hunters put a lot of social pressure on young people who want to hunt intensively to learn not only how to hunt animals but also how to steward land and animals, which requires specialized knowledge, experience and skills. The stewards serve as models for expertise in hunting and as examples and encouragement for others to learn these skills. While some of this experience is transferable from one hunting area to another, a vital part of the knowledge needed to steward game and land depends on learning to understand the particular history of game populations on a particular piece of land. To teach this to a young hunter effectively one cannot reduce it to a set of rules or principles. One needs to share historical knowledge of particular lands and build up experience of a particular place. Young hunters need to learn not only the general knowledge for hunting game, but to learn by experience and tutoring how to steward wildlife populations on a particular hunting territory.
134. As I have indicated above, when a hunting territory is extensively cut over the steward's knowledge is no longer relevant to the area, and he cannot foresee with any detail how to adjust today's hunt for the future. Extensive cutting of hunting territories is therefore a threat to the transmission of stewardship knowledge and skills to the next generation of intensive hunters. Being able to transmit these skills is at the root of the future of Cree hunting life on the land and Cree culture.

EE. Trapline Sharing and Reorganization are Not Adequate Solutions for these Problems

135. Suggestions to solve these problems by relocating stewards and intensive hunters to other hunting territories to which they receive invitations have not worked to remedy these developing problems. Going to other territories can provide the chance to hunt, and to learn the basic hunting skills. But it is not usually effective for training stewards and intensive hunters in complex stewardship knowledge and skills. Over a period of a decade or two a hunter whose territory is extensively cut over is likely to have to move to new territories every few years, as conditions change on the lands to which they are invited. Such mobility limits developing long-term knowledge of a territory essential to learning stewardship skills. As forestry expands this mobility may be increased.
136. Reorganizing of hunting territory boundaries was envisaged as another way of solving hunting problems created by transformation of hunting lands by development activities. It was one of the measures provided for in the JBNQA (Section 8.9.2.b) to help hunters adjust to the flooding from hydroelectric developments. Yet where flooding has affected hunting territories, I am unaware of any redrawing of trapline boundaries. The loss of productive land increased pressures on remaining lands, and stewards control those lands

more carefully in order to conserve them.

137. Redrawing boundaries in the rapidly changing situation created by forestry would not be compatible with hunters developing long-term knowledge and stewardship of hunting territories. I would expect stewardship skills to be diminished as forestry cutting expands.

FF. Extensive Forestry Enhances Doubts About the Future of Cree Hunting and Cree Culture

138. This has broader impacts for culture and identity. The cumulative impacts of the continually expanding forest cutting on hunting territories are already very damaging and the continuation of this cutting poses a threat to Cree hunting and society that can not be easily remedied, as indicated in the three preceding paragraphs. The long-term impacts also affect Cree culture.
139. Many stewards whose hunting territories have been extensively cut-over express sadness that their own sons and daughters will not experience fully the way of life that they have had on their territories. They know that their children will not generally be able to learn the more complex stewardship skills. They express both sadness, and uncertainty about the future of Cree culture and their way of life.
140. These concerns enhance the uncertainties of young Cree thinking of the pattern of life they want for the future. In some cases, families whose hunting territories have been heavily cut over have no children in young adulthood that have chosen to learn stewardship skills. The extensive forestry cutting on hunting territories reduces the willingness of young Cree adults to choose intensive hunting as a long-term economic and lifestyle commitment.
141. These uncertainties are not just individual, but also collective. In the interviews done in 1997, there was a widespread worry about the future of the land, hunting and of the Cree way of life among people involved in different hunting and employment situations and across all ages. This uncertainty was often explicitly tied to the extent of forestry operations. As I have indicated above at paragraph 116 well over half the respondents expressed concerns about lands, hunting and forestry activities. In my view this concern is reasonable, forestry is creating one of the most obvious and direct uncertainties in the transmission of Cree hunting culture to a new generation.
142. Government failures to implement the provisions of the JBNQA which were intended to assure that forestry was conducted in ways which would be compatible with hunting and Cree stewardship need to be remedied in order to ameliorate these problems.

GG. Sense of Uncertainty for the Future is Tied to Failures to Implement JBNQA Provisions

143. A similar widespread questioning of confidence in the future of James Bay Cree culture and society occurred during the initial construction of the James Bay Hydroelectric Project twenty-five years ago. The JBNQA was thought by the majority of Cree at that time to have laid the foundations for a secure future.
144. Failures of governments to implement the provisions of the JBNQA which were intended to protect the land and the Cree hunting way of life, in combination with the expanding areas being cut by forestry operations, have undermined that confidence in Cree communities.

HH. Concluding Comments



145. The ties of stewards and hunters to their hunting territories are not only material and knowledge based. In a worldview where the landscape is personalized, moral and spiritual, Cree hunters develop long-term personal ties to the land, to the places that have character and personalities, and to the other-than-human persons and animals who inhabit it. For many Cree hunters the land is part of one's kin network, and one has moral obligations to it. To see this land treated in ways that could only be perceived as abusive, in a worldview of personalized landscapes, is morally offensive and spiritually and practically dangerous.
146. The land is there to be used, in the view of Cree hunters, and its use can in principle be shared by many. But that requires that each user and the land itself be respected, and that the effects on others of what each user does become part of the decisions each user makes. Such consideration of others requires their effective participation, and the acknowledgment of their active role in the processes. What I understand most Cree hunters want is the establishment of a respectful and effective voice in forestry.
147. If present forestry practices are modified, and are not allowed to continue as at present, then there are means of conducting forestry operations that could make them compatible with Cree hunting and stewardship. The necessary processes and obligations were envisaged in the JBNQA which provides the broad principles and mechanisms to accomplish these goals. It will require concerted action by governments working with the effective participation of Cree stewards to provide the regulation needed for such forestry activities.

148. All the facts in this, my Affidavit, are true.

AND I HAVE SIGNED, at Hamilton, this 28th day of June, 1999.

[Signed]

Dr. Harvey A. Feit
Professor of Anthropology,
McMaster University


Sworn  before me in the City of Hamilton,
Province of Ontario, this 28th day of June, 1999.
AND I have signed,

[Signed]

TRUE COPY

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