



NIRB File No.: 08MN053

February 24, 2021

Mary River Distribution List

Sent via email

Re: Direction from the Nunavut Impact Review Board to all Parties Regarding Recordings of the Audio/Video Feed of the reconvened Public Hearing for the Mary River Project “Phase 2 Development Proposal” (January 25-February 6, 2021)

Dear Parties:

Recently the Nunavut Impact Review Board (NIRB or Board) has received several inquiries from participants in the reconvened Public Hearing for Mary River Project “Phase 2 Development Proposal” (January 25-February 6, 2021) (the reconvened Public Hearing), third parties and Nunavut Independent Television Network (NITV) requesting access and/or rights to rebroadcast or retransmit the Audio/Video feed of the reconvened Public Hearing provided by the NIRB and carried live on the Inuit-language cable TV channel, Uvagut TV.

Rather than respond to these questions individually, the Board issues the following direction regarding the current requests for access or rebroadcast/retransmission of the Audio/Video feed of the reconvened Public Hearing:

1. As with the Board’s previous directions about filming or providing audio feeds to Board proceedings, the Board balances increased public access to the live feed of the Board’s proceedings with the rights and concerns of participants in the proceedings that such coverage does not unduly limit their willingness and ability to participate fully in the proceedings and does not interfere or disrupt the Board’s ability to meet the objectives of the proceedings.
2. In contrast to NITV’s previous coverage of the Public Hearings associated with the original Mary River Project (2012) and the Early Revenue Phase (2014), when the reconvened Public Hearing adjourned on February 6, the Board’s Public Hearing process associated with the file did not end. The extension of the Public Hearing session will continue to April 12-21, 2021, and the Public Hearing Record will remain open until May to allow for final closing statements to be provided after the close of the extended session. While the Board’s Public Hearing Record remains open and during decision-making, the Board does not permit retransmission or rebroadcast of parts of the proceedings.
3. With respect to access by participants of the Audio/Video feed, consistent with previous Board proceedings, the Board will not be making the feed available to any parties while the proceedings are on-going. Although parties were granted specific access to the audio files to support Intervenor in the preparation of their written questions and follow up to their questions presented because the final transcripts of the Public Hearing were not

available immediately following the February 6 adjournment, this access is exceptional and limited in use to the support of Intervenor's preparations.

4. With respect to any third parties who did not participate in the proceedings, the participants in the Public Hearing have not consented to making their images available to third parties, and the notification that the Chair provided during the reconvened Public Hearing to participants about the broadcasting of the live feed on Uvavut TV does not encompass permission or waiver of the participants' privacy interests in terms of subsequent rebroadcasting, retransmission or access to the Audio/Video feed from the reconvened Public Hearing by third parties.
5. Any recording, rebroadcast or retransmission of the reconvened Public Hearing without the NIRB's written consent is prohibited. Once the Public Hearing Record has closed and the decision-making for the file has concluded, requests for written consent may be provided to the Board directly. Inquiries regarding the Audio/Video feed should not be made to NITV or other media outlets granted access to the Audio/Video feed.

Please note that if the Board determines that there has been a failure to comply with the Board's directions, the Board reserves the right to take appropriate action, which may include reconsidering making the Audio/Video feed available for live broadcast purposes. Any questions regarding these matters can be directed to the undersigned at (867) 983-4608 or kcostello@nirb.ca.

Sincerely,



Karen D. Costello
Executive Director
Nunavut Impact Review Board

cc: Lloyd Lipsett, NITV
Isabelle Gilles, NITV
Jonathan Franz, NITV