

Greenpeace calls for full investigation after releasing FOI documents on bird deaths in CNRL tailings pond

May 1, 2015 - Today, Greenpeace called on the Alberta Energy Regulator (AER) to re-open its investigation into a November 2014 incident when at least 94 birds died on a Canadian Natural Resources Limited's (CNRL) tar sands tailings pond. In making this call, the group cited evidence contained in internal reports and video from AER investigators, obtained by Greenpeace under Freedom of Information legislation.

“Dead birds in tar sands tailings ponds are a black eye for all Albertans, who expect and deserve better environmental oversight from our government,” said Mike Hudema, a Climate and Energy campaigner with Greenpeace Canada. “The AER and the province need to answer for why a more thorough investigation wasn't done and why Alberta's laws aren't being enforced.”

The documents obtained by Greenpeace revealed that:

- 94 dead birds were recovered from CNRL's Horizon mine tailings pond, but over 400 more were sighted on the oil-covered pond and may have died later due to exposure to the toxic substances.
- One of the Long Range Acoustical Devices (that use radar to detect birds and then make sounds that will scare them) was not functioning at the time of the incident.
- Six weeks prior to the incident, CNRL had started up a new mature fine tailings facility that included lights that shone on the tailings pond. This would attract birds, yet CNRL confirmed that no additional measures were taken to address the effects of those lights.
- CNRL removed 25 of the 100 deterrents in the lighted area, which is also where the first 22 dead birds were found.
- There were no deterrents in the middle of the Horizon tailings pond, which is a measure that other operators utilize.
- CNRL removed significant parts of its bird deterrent system (i.e. the boom that limits the spread of oil across the tailing pond, floating deterrents, and 25 cannons) in the two weeks prior to the incident to prepare for winter. However, Suncor reported that it usually begins removing deterrents after the pond is iced up (usually after November 15).

“The CNRL incident highlights the need for Alberta to step up its game when it comes to regulating tailings ponds” said Melissa Gorrie, Ecojustice lawyer, who sent the letter to the AER on behalf of Greenpeace asking the regulator to reconsider its decision to not conduct a more detailed investigation under Alberta's Environment Protection and Enhancement Act. “If the Alberta Energy Regulator wants to live up to its claim that it is a ‘world-class regulator’ then it needs to properly investigate this incident and take broader regulatory action to prevent future incidents from occurring.”

The letter argues that the evidence obtained by Greenpeace Canada suggests that CNRL's bird deterrent system was inadequate and therefore CNRL should not be able to claim a “due diligence” defence. The letter also argues that existing rules are inadequate and calls on the provincial government to implement specific and binding bird deterrence standards for tailings ponds in the tar sands region, informed by the best available science.

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Links:

[Ecojustice letter to AER](#)

[FOI dead birds](#)

FOI video of lights shining on [CNRL tailings pond](#)