

**ONTARIO ENERGY BOARD**

**APPLICATION OF**

**GOLDCORP CANADA Ltd. and GOLDCORP INC.  
("GOLDCORP") for Leave to Construct a  
115 kV Electricity Transmission Line,  
and for Ancillary Orders, File No. EB-2011-0106**

**NOTICE OF MOTION**

WHEREAS:

- a) By a motion filed in Exhibit A, Tab 4, Schedule 1 of the Application herein, Goldcorp sought similar orders to those sought in this motion.
- b) On April 29, 2011, the Board dismissed Goldcorp's original motion due to a concern that Goldcorp may not have consulted with all interested persons, but said *...the Applicant may consider seeking some form of relief in advance of the Board's final disposition of the application.*
- c) Goldcorp has chosen to avail itself of this permission by filing this motion and making it returnable some 10 days after service or publication of the Board's Notice of Application and Hearing herein upon all interested persons, with all of whom it had fully consulted prior to filing this Application, as described in Exhibit B, Tab 6, Schedule 6 of the Application.

THEREFORE:

Goldcorp Canada Ltd. and Goldcorp Inc. ("Goldcorp") will make a motion to the Board, on a date and at a time to be fixed by the Board subsequent to May 23, 2011, at the Board's premises, 2300 Yonge Street, Toronto, Ontario.

THE MOTION is to be heard orally.

THE MOTION IS FOR:

1. An interim order authorizing Goldcorp and its contractors to carry out civil engineering work including grading, fencing, installing foundation for and constructing walls of the Balmer Complex TS building for the Balmer Complex TS, commencing on May 25<sup>th</sup> and continuing until the Board decides the leave-to-construct application.
2. An interim order authorizing Goldcorp and its contractors to carry out clearing and grubbing of the right-of-way for the applied for transmission line starting subsequent to completion of the nesting season for breeding and migrating birds, on the portions of the right-of-way outside the buffer zone for two separate bald eagle nests on the proposed right-of-way, and, finally, in September, 2011 after the bald eagle nesting period is complete.

THE GROUNDS FOR THE MOTION ARE:

1. As stated in its section 92 Application, Goldcorp needs to have its proposed facilities in service by Q4 2011 in order to meet the requirements of its Mine Development Plan.
2. Goldcorp's Construction schedule requires 185 days to construct the Balmertown TS and 88 days to construct the proposed 115 kV Transmission line. For all facilities to be in service by Q4 2011, this means that civil work on the Balmer Complex TS should start sometime in June, 2011 and proceed continuously until November, 2011. This, however, would not be possible without the requested interim orders.
3. The Board's normal procedure and timing for a leave-to-construct application requires a period of 130 days between filing and determination. If this application is filed by April 21<sup>st</sup>, 2011, Goldcorp could not expect a decision until approximately the first of September.

If no construction activities commence until September 1<sup>st</sup>, it would not be complete until approximately mid February, 2012, well after Q4 2011.

4. Goldcorp, therefore, needs to begin its construction activities earlier than September 1<sup>st</sup> in order to achieve, as closely as possible, its needed in service date of Q4 2011.
5. Goldcorp's ability to carry out construction continuously prior to September 1, 2011 is constrained by the following MNR chart of seasonal restrictions:

#### SEASONAL RESTRICTIONS

	Ja n	Fe b	Marc h	Apri l	Ma y	Jun e	Jul y	Augu st	Sep t	Oc t	No v	De c
Calving caribou (transient)												
Bald eagles												
Breeding birds												
Migrating birds												
Ground breeding birds												

6. There are no breeding bird nesting areas on or around the site at Goldcorp's Balmer Complex where it plans to locate the Balmer Complex TS and there are no MNR restrictions on construction there.
7. With respect to Bald Eagle nests, Goldcorp's biologist has found two on the right-of-way of the proposed 115 kV transmission line. Due to MNR rules, clearing and grubbing may not be carried out within 1 km of those nests until September 1<sup>st</sup>, 2011. Clearing and grubbing may be carried out on the rest of the right-of-way until Mid May and after Mid July.
8. To date, Goldcorp is unaware of any opposition to its project or proposed facilities. It expects all required permits from MNR by around April 26, 2011. It seeks to begin construction activities by doing the civil engineering work, i.e. grading, fencing, setting foundations, erecting walls and installing grounding equipment at the site for Balmer

Complex TS and by clearing and grubbing the right-of-way to the extent possible before MNR restrictions or construction activities due to bird breeding begin.

9. The civil engineering work would occur entirely on Goldcorp's Balmer Complex i.e., exclusively on Goldcorp industrial property, and would not disturb any third party. The clearing and grubbing around the proposed structure sites, only, on the right-of-way would perturb the natural environment minimally and would cease at bird breeding season. Again, no one has expressed any concern about the construction of either the Balmer Complex TS or the proposed 115 kV line.
10. If granted, the motion would allow Goldcorp to meet its proposed construction activities and will increase the likelihood that the proposed Transmission line can be in service by Q4 2011.
11. Goldcorp is prepared to accept the financial and regulatory risk of spending the money necessary to carry out these pre-construction activities before the Board has made a decision on Goldcorp's section 92 application for leave to construct. Goldcorp therefore submits that, the orders requested from the Board would be without prejudice to the Board's discretion to decide the section 92 application as it deems appropriate.

THE FOLLOWING EVIDENCE will be used at the hearing of the Motion:

- The Affidavit of Curtis C. Pedwell sworn April 14, 2011
- The Affidavit of Angela Brooks sworn April 14, 2011
- The Application herein.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

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