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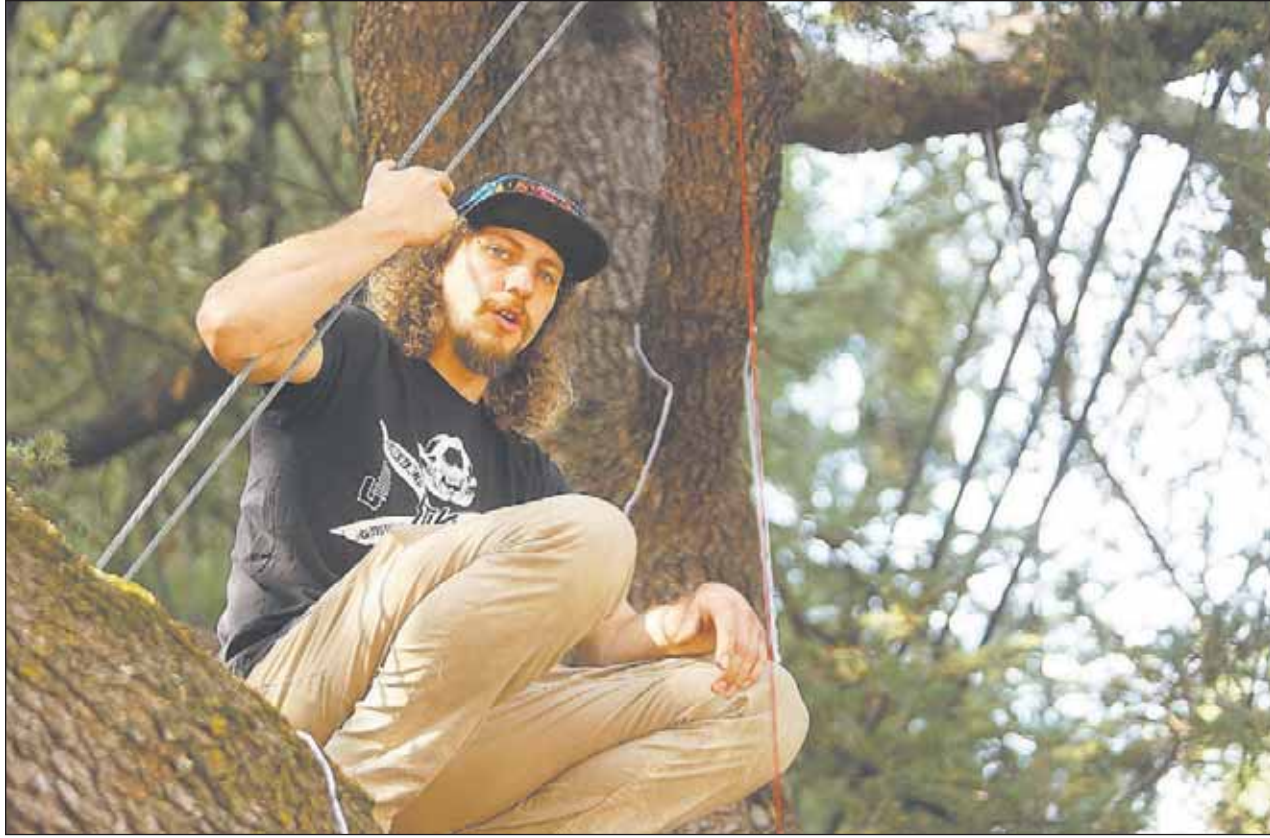
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Graeme Pitts sits in an 80-foot tall blue Atlas cedar tree slated to be cut by PG&E contractors this week in Nevada City. The tree is believed to be over 150 years old, and is said to have been planted by one of the city's first pioneers.

## Tree-sitters protest PG&E power line plans

By John Orona  
Staff Writer

**G**raeme Pitts is in a tree. He doesn't know how long he'll stay there or how much it will help, but for him the decision was a no-brainer.

"It was pretty easy for me to just be present to do what I can do. It's an easy way for me to enjoy this tree while defending it," Pitts said.

He's been following PG&E's plans to cut more than 250 trees in Nevada City that could interfere with power lines, and on Tuesday Pitts was ready to put his body on the line.

"I didn't really have a plan, I just kind of climbed up into the tree for the time being. I do feel strongly about this... If they do it while I'm in the tree, 'party on Wayne.' I will gladly fall on a fool like Tarzan," he said. "As many different methods as we've gone through trying to use the right channels, trying to do it the right way, it has been just squashed. They're proving they don't want to operate within the system, so we're going to operate peacefully outside the system, too."



JOHN ORONA/JORONA@THEUNION.COM

A child examines a sign Tuesday morning protesting PG&E's plan to cut more than 250 trees around downtown Nevada City. Nearly two dozen demonstrators were on hand.

On Tuesday close to two dozen demonstrators gathered around an 80-foot Atlas cedar on PG&E's list for mitigation — tree No. 41 on the city's historic district walking tour — hoping to ward off any cutting until an independent arborist can review the merit of PG&E's claims that they are a danger to power lines.

"They think they're doing the right thing, and more power to them, but it's not the right thing for the area," Pitts said. "We care about our forests being healthy,

but it's gotta be done the right way, not just whacking trees down."

According to Matt Oस्पowski, who organized a petition and Facebook group to collectively push back against the company's claims, protesters are hoping to target a handful of trees to save. Although they recognize some trees will have to go, PG&E's approach here and in other communities has been heavy-handed, he said.

"Obviously the first priority is fire safety, we don't

want to see this town burn down, nobody does. But the solution cannot simply be to cut everything that is tall enough to hit a line," Oस्पowski said. "PG&E has done nothing to justify our trust in them over the years. It's so important having a third party who's available to come in and work for the city, work for the citizens."

According to Zeno Acton, an arborist hired by Nevada City to provide an

**TREES, A8**

## Cashin's Field developers to check for toxic substances

By John Orona  
Staff Writer

Developers for Nevada City's proposed 56-unit affordable housing project, Cashin's Field, are preparing a voluntary cleanup agreement that will investigate the potential for toxic substances at the site, according to the California Department of Toxic Substances Control.

According to project proponent Gus Becerra, executive director for the Regional Housing Authority, the project went through one environmental site assessment with no issues. However, after the assessment was completed a public inquiry provided to the state raised concerns over the potential for sulphur works from previous mining activity, which prompted a second

assessment.

"The state reached out to us and we provided the Phase 1 (environmental site assessment) report to the state of California and then they reviewed it and then from that review came a few more tests that they want us to do. So from that point on we handed it off to our consultant, who's working with the state to figure out the scope of the testing that's needed, get a cost proposal and then go from there and present the results of that testing to the state for them to review," Becerra said. "At this point it's still very premature. I mean, all we're doing at the moment is trying to address a public inquiry. We don't expect any contamination, but we're

**CASHINS, A8**

## LaMalfa campaign says debate will happen 'soon'

By Rebecca O'Neil  
Staff Writer

Audrey Denney, D-Chico, the Democratic candidate for California's 1st Congressional District, this week in a press release called out incumbent Doug LaMalfa, R-Richvale, for ignoring requests to participate in debates and forums alongside his challenger.

"Rep. LaMalfa has once again displayed his cowardice and abdicated his responsibility to his constituents," Denney said in the Monday release.

LaMalfa's campaign manager David Gilliard said he had not yet read the press release, but that it sounded like "a typical campaign stunt."

Gilliard said the congressman fully intends to participate in a public conversation with Denney prior to November's election.

LaMalfa and Denney

debated prior to the 2018 election, Gilliard said, suggesting that the congressman is not afraid to face her or his constituents. The debates were held in Anderson and Graeagle.

"It's kind of hard to schedule things too far out," Gilliard explained, "but there's 100% chance he'll be doing a debate."

Gilliard said the debate will take place "soon."

Brian Solecki, Denney's campaign manager, said in an email that his office has reached out to LaMalfa's camp multiple times since June. Additionally, a July 6 letter received no response.

"He has had plenty of time for photo-ops and anti-Covid mask protests," the email states. "We have offered multiple times to clear any date/time on our schedule to accommodate his. From our campaign letter to him: 'We will clear

**FORUMS, A8**

### WEATHER

H: 84°  
L: 57°

See full forecast, Page A10

Sunny



### Hey!

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### Total cases reach 496

The total number of coronavirus cases in Nevada County grew by two on Tuesday, bringing the new total to 496.

Western county had 300 cases, and eastern county had 196. There were 48 active cases on Tuesday, a drop of one from the day before. There have been 443 recoveries, and five deaths.

Cases have continued to climb in the county.

There were 392 on Aug. 18. They'd grown to 424 by Aug. 25, and hit 449 on Sept. 1. There were 463 cases on Sept. 8.

Four people were hospitalized locally Tuesday with COVID-19.

Of the 18,556 tests performed locally, 2.7% of people have tested positive.

Nationwide, there were 6,537,627 total cases, and 194,092 deaths, the CDC states.

— The Union staff

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## FROM PAGE ONE

### TREES

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independent assessment of the trees, some trees may have been interpreted as needing to be cut due to the presence of pests and diseases, though that may not necessarily be the case.

“One particular concern I noted is that the mere presence of some pests and diseases may have been inappropriately interpreted

on some trees by PG&E contractors. The concern is that such an observation does not necessarily mean the tree is significantly weakened nor does that necessarily equate to an increased likelihood of failure,” the report states. “Legislation allows for the removal of diseased or infested trees but this needs to be tempered with knowledge of the site, the infecting agent and its effect on the host.”

Acton concluded of the 38 trees inspected, “I believe good faith conversations regarding retention could be had regarding 16 of the trees,” including the Atlas cedar.

Some protesters were upset that tree mitigation was the only option considered, when alternatives like undergrounding the lines have been continually pushed back.

“This has been funded

to underground for years,” said Bob Nienaber, who lives down the street from the Atlas cedar. “We’re not saying you gotta underground every one of (the lines). But this is our community and we’re being told we have no say in it.”

Nevada City attorney Lorraine Reich said she is working to prepare documents to file an injunction seeking to prohibit the further cutting and

removal of trees in Nevada City until there can be greater opportunity for the public and city to consider alternative options.

“After years and years and years of neglect on PG&E’s part that they’re now trying to compensate for with this aggressive and barbaric approach of clear cutting through large sections of land,” Osypowski said. “I feel that small towns and private

property owners are being pushed around in ways that are not fair for a corporation that doesn’t have any particular interest in any of the things that we care about. They are not here to protect our landscape, they’re not here to protect our people.”

*To contact Staff Writer John Orona, email jorona@theunion.com or call 530-477-4229.*

### CASHINS

From page A1

going to address the public inquiry and make sure people are satisfied with the test results.”

Sulphuret works, described as a process for extracting gold from mined ore using sulphides, is associated with soil containing elevated concentrations of arsenic and lead. For example, in an unrelated project, a Removal Action Workplan sought to remediate sulphuret work activity at the proposed Sierra Terrace Site in Grass Valley, and required the removal of contaminated soil

and construction of passive venting systems at the site.

Once a voluntary clean-up agreement is reached, which will determine the scope of the assessment, an investigation will look into soil samplings to see if any contaminants of concern stemming from the county’s legacy mining activities are present on the Cashin’s Field property.

“If elevated concentrations of metals are found, then a clean-up will be required before (Department of Toxic Substances Control) can certify the property as safe for residential development,” said Barbara Zumwalt, public

information officer for the toxic substances control agency.

#### ROUTINE

Becerra said the environmental review is routine, though the public inquiry that launched it is a first for him.

“In all the development projects I’ve ever done, we never had one like this that went to the state of California,” he said. “In the past (environmental site assessments) have been sufficient.”

According to the toxic substances control agency’s website, an investigation could lead to a finding that no further action is

required, a finding that a land use covenant is needed before further development, or that long-term stewardship is needed.

If the department determines remediation is needed, there will be several options for dealing with any toxic substances, depending on the severity of the finding.

Becerra said he does not expect the investigation to affect the project’s timeline. The development is hoping to secure funding through state tax credit allocations, set to be announced in October. If funded, they will have six months to close construction financing.

“We don’t expect any project delays at the moment,” he said. “The testing that the state is wanting us to do and reviews and the whole process should not delay the closing of the financing, if the project is awarded financing.”

Due to state laws imposed on cities that didn’t add the minimum amount of affordable housing units required, Nevada City only had 90 days to approve the project planned for 170 Ridge Road and could only do so based on objective standards found in its municipal code.

Because of the law, Senate Bill 35, a California Environmental Quality Act

review was not necessary.

The 4.6-acre site is set to host six apartment buildings spanning up to three stories, a community center with public-facing patio, open green space, and outdoor/play areas. If the development is funded through tax credits as originally intended and the project is not delayed by potential remediation, construction is set to begin in the spring, with residents able to move in summer 2022.

*To contact Staff Writer John Orona, email jorona@theunion.com or call 530-477-4229.*

### FORUMS

From page A1

our calendar for any August/September/October available dates in order to make sure these events best work for the Congressman.”

According to Denney’s press release, LaMalfa has not responded to forum requests from League of Women Voters chapters in western Nevada County, Butte and Shasta counties, as well as the California Alliance of Retired Americans in Redding and the Nevada County Media Forum.

The release said LaMalfa

anceled a day before the Nevada County Association of Realtors forum set for Sept. 9.

Mark Spannagel said as LaMalfa’s chief of staff, he is privy to the congressman’s schedule, adding that LaMalfa never officially agreed to attend any public forum with Denney, therein never officially canceled.

“There are two factors in setting a date for a town hall or public forum,” Gilliard said. “COVID-19 and the fact that the congressional calendar has been up in the air.”

The 2020 Congressional Calendar indicates that

Congress did not convene from Aug. 1 until Sept. 8 for “Committee Work Days.” According to the Sacramento Bee, LaMalfa and Trump met Monday in Sacramento for a roundtable on the California wildfires.

Gilliard and Spannagel said Denney’s claim that the congressman has shirked any obligation to his constituents has no basis, referencing the seven town halls LaMalfa has hosted in District 1 over the course of this year.

“Hopefully we will finalize plans for a forum appearance in the next couple

of weeks,” a release from LaMalfa’s campaign states. “Audrey will have her opportunity to sling mud.”

Spannagel said community engagement with LaMalfa has actually grown since the town halls went virtual.

“Since we’ve been on lockdown, we’ve hosted seven town halls with 50,000 participants,” Spannagel said.

As chief of staff, Spannagel said he’s not permitted to talk about campaign issues, but expressed confidence in LaMalfa’s commitment to the people of District 1, asserting that LaMalfa not only participates in, but

orchestrates more town halls than any other representative in California.

“LaMalfa does town halls constantly — all the time, every year,” Spannagel said, highlighting one town hall where 1,568 people attended to discuss health care. “He enjoys them. We had one of the largest town halls in history. We rented the largest facility in Nevada County when the health care bill was going through.”

LaMalfa in 2017 held a packed town hall at the Nevada County Fairgrounds. The audience was focused on health care, climate change

and immigration.

Gilliard said he does not assist LaMalfa in his current legislative duties, but appreciates the unique set of obstacles and pressures the congressman faces amidst the current health crisis caused by COVID-19.

“(Denney) knows he has a myriad of responsibilities as a member of Congress,” Gilliard said. “He represents the physically largest district in the country.”

*Rebecca O’Neil is a staff writer for The Union. She can be reached at roneil@theunion.com.*



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