

THE UNION



WEATHER
Heat expected to return Saturday
LOCAL | A3

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Wednesday, September 23, 2020

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PHOTOS BY JOHN ORONA/JORONA@THEUNION.COM

Tree supporters -- from left, Clayton Matheny, Kim Snyder, Caat Bain, Alan Krueger and Andre -- gather at a blue Atlas cedar on Broad Street Tuesday to celebrate the temporary halting of PG&E's plans to cut more than 260 trees in Nevada City.

Cut it out Nevada County judge halts PG&E tree removal

By John Orona
Staff Writer

Residents hoping to stop PG&E's plan to cut more than 260 trees in Nevada City got a temporary win on Tuesday.

Nevada County Superior Court Judge Thomas Anderson ordered the city to withdraw encroachment permits issued to PG&E and its contractors, and to halt all current cutting within city boundaries, including on private property.

After receiving the ruling, the city informed PG&E and its contractors that the permits would be suspended until further order of the court, Nevada City Attorney Crissy Hodgson said.

The parties will have a hearing on Nov. 6.

Trees may still be removed if agreed to in writing by all parties.

The ruling comes after Lorraine Reich, attorney for citizen group Save Nevada County Trees, filed a petition seeking to force the Nevada City Council to "launch a robust opposition" to PG&E's plans, alleging by not doing so it violated several city ordinances.

Attorneys for the city and PG&E argued Nevada City does not have jurisdiction over the matter.

"As there are significant unresolved issues pending, it is the best interest of all parties to stay the cutting and/or removal of the trees in question pending a resolution," the ruling states.

While the court recognizes PG&E's claim that it is



Tree-sitters in Nevada City have remained on scene for about a week, part of their multi-pronged effort to save 260 trees in the city. Their direct action will continue while their legal challenge proceeds.

overseen by the California Public Utilities Commission, which means challenges to its authorized actions must be put to the state commission, "nothing presented to the Court verifies that the specific actions challenged are authorized by the PUC," the ruling stated.

According to the ruling, other aspects the court may have jurisdiction over include the scope of easements to permit access and city actions alleged to be in violation of state and local ordinances.

"I think what this does is buy time for more discussion and give the city and the members of the community a seat at the table to have real, good-faith negotiations with PG&E," said Matt Osypowski, organizer for Save Nevada County Trees. "So far this has been

done with threats and force and bluster, and I feel like this court decision gives space for this to be a different sort of process."

The group has maintained that PG&E's approach has been heavy handed, and that other mitigation measures could be taken without removing so many trees. A city-contracted arborist seemed to lend credence to that claim last week when a report found 16 of the 38 reviewed trees could be saved.

"There's trees in this town that nobody would contest," Osypowski said. "This requires them to take a more negotiated approach... it sets a precedent that PG&E needs to approach communities respectfully. While taking line safety very seriously, they need to also take the historical context and needs of the city very

seriously."

Save Nevada County Trees members have remained in a blue Atlas cedar tree on Broad Street for about a week, hoping to drum up public support for the trees.

"I'm elated at the news and I have great faith in the courts of California to follow the law and to maintain the civil rights of the people, including property rights and the right to pass ordinances," Reich said. "I believe PG&E has abused its discretion in allowing tree cutting so severely like we witnessed on Highway 49 between Grass Valley and Nevada City. That's the kind of severe cutting they'd like to do."

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NID candidates talk finances, water supply at forum



Karen Hull W. Scott Miller John Norton Rich Johansen

By Liz Kellar
Staff Writer

The division was clear between the candidates for two Nevada Irrigation District board seats up for election during a forum hosted by the League of Women Voters.

On one side, W. Scott Miller and Rich Johansen touted the district's financial security and the need for the Centennial Reservoir project, vying for the Division 3 and 5 seats, respectively, against opponents Karen Hull and John Norton.

Hull, who said at Monday's forum that she's been a customer of the water district for 15 years, told the audience of more than 100 on Zoom and Facebook Live that she was "deeply troubled" by NID's projected budget deficits. She said her opponent, Miller,

has a "spend, spend, spend" strategy that's unsustainable, adding, "This situation cannot continue."

Miller fired back at Hull several times during the forum, calling the "professor" naive and arguing the district is in good financial shape. The incumbent said he has spent 20 years on the board keeping local water local.

Both Miller and Johansen hammered the concept of needing the Centennial Dam to protect NID's water rights.

Miller told the audience the biggest challenge faced by the water district in years to come will be climate change, adding, "We literally have lost half the snowpack most years, the equivalent of all of Rollins' functional capacity. ... The solution is to

NID, A5

COVID-19 restrictions on business loosened

By Rebecca O'Neil
Staff Writer

Nevada County announced Tuesday that the region ascended from the Red "Substantial" Tier to the Orange "Moderate" Tier, meaning certain business restrictions imposed because of COVID-19 will be loosened.

In Nevada County, where there are one to three new cases daily, restaurants are now permitted to open indoor dining up to 50% capacity.

Movie theaters may open up to 50% capacity or 200 people — "whichever is fewer," a press release states.

Gyms, fitness centers and family entertainment centers, which were previously

limited to outdoor access only, can open their indoor space up to 25% capacity.

According to the release, places of worship may now open indoors up to 50% capacity.

Bars and breweries can open outdoors only with modifications and without food.

Wineries can open their doors up to 25% capacity or 100 people.

Linda Clough, tasting room manager for Lucchesi Vineyards & Winery, said she is looking forward to increasing capacity in the restaurant and welcoming people back to her tasting room.

"I think it's important to

BUSINESS, A5

WEATHER

H: 81°
L: 55°

See full forecast, Page A8

Sunny



OBITUARIES

Frank Quinn

Page A5

COVID-19 cases climb by 1

The county's total coronavirus cases climbed by one on Tuesday, rising to 525.

Western county had 323 cases, and eastern county had 202. There were 40 active cases on Tuesday, a drop of seven from the prior day. There have been 479 recoveries, and six deaths.

Cases have continued to climb in the county. There were 424 cases on Aug.

25. They reached 449 on Sept. 1, and 463 on Sept. 8. The number hit 496 on Sept. 15.

Three people were hospitalized locally Tuesday with COVID-19.

Of the 19,209 tests performed locally, 2.7% of people have tested positive.

Nationwide, there were 6,825,697 total cases, and 199,462 deaths, the CDC states.

— The Union staff

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