

EXPEDITE  
 Hearing is set:  
Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Judge/Calendar: \_\_\_\_\_

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF THURSTON

SAVE THE DAVIS-MEEKER GARRY OAK,  
  
Plaintiff,  
  
vs.  
  
DEBBIE SULLIVAN, in her capacity of Mayor  
of Tumwater,  
  
Defendant.

NO. 24-2-01895-34

SECOND DECLARATION OF DEBBIE  
SULLIVAN


Debbie Sullivan hereby states and declares as follows;

1. I am over the age of 18, am competent to testify herein and make this declaration on personal knowledge. I am the Mayor of the City of Tumwater and defendant in this matter.
2. I previously filed a declaration in this matter on May 24, 2024. My declaration contained an error on the date that a substantial limb fell partially onto the southbound lanes of Old Highway 99. The correct date is May 2023, not February 2024.
3. The City of Tumwater had the branch evaluated and it was found to be decayed. The City published an information sheet for the public to inform them of the state of the tree. This includes depictions of the fallen limb and extent of decay. A true and correct copy of the fact sheet is attached hereto as **Exhibit 3**. The professional arborists who evaluated the tree are the City's contracted tree

1 professionals and have cared for the tree for 27 years. They concluded that the tree is a high risk and has  
2 the potential to seriously injure or kill someone if it falls or another large branch falls, as it did in May  
3 2023.

4 **I make this declaration under penalty of perjury under the laws of the State of**  
5 **Washington.**

6  
7 Dated this 28<sup>th</sup> day of May 2024 at Tumwater, Washington.

8  
9 

10 Hon. Debbie Sullivan, Mayor of City of Tumwater

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

# Exhibit 3

# City of Tumwater's Davis Meeker Garry Oak Tree

*A fixture in the community for at least 400 years with many stories to tell*

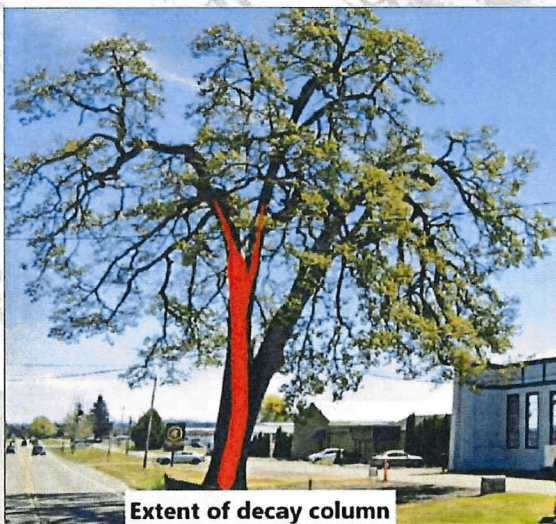


*A branch fell, landing partly on Old Hwy 99. There are signs of white rot infection on the upper sides of both points of failure.*

## Fallen Branch Shows Decay

In the spring of 2023, an 18-inch-diameter branch fell from about 50 feet above the ground, landing partly in the southbound lane of Old Hwy 99. Fortunately, nobody was harmed by the branch when it fell. However, because of the amount of decay in the failed branch, and its proximity to several structures, and the vehicles and people that move near and under the tree, the City decided to have an analysis of the tree's health completed.

A detailed analysis of the tree was performed by a team of ISA Certified Arborists that included the City's contract tree professional who has cared for the Davis Meeker tree for 27 years. Additionally, the analysis included an evaluation by a climbing arborist who assessed the upper canopy, and an evaluation by a sonic tomography specialist who helped determine the presence and extent of decay in the tree's interior.



**Extent of decay column**

## Analysis Reveals Future Failures Are Likely

Through the analysis, the team of ISA Certified Arborists found significant decay in several areas of the tree which makes future failures likely.

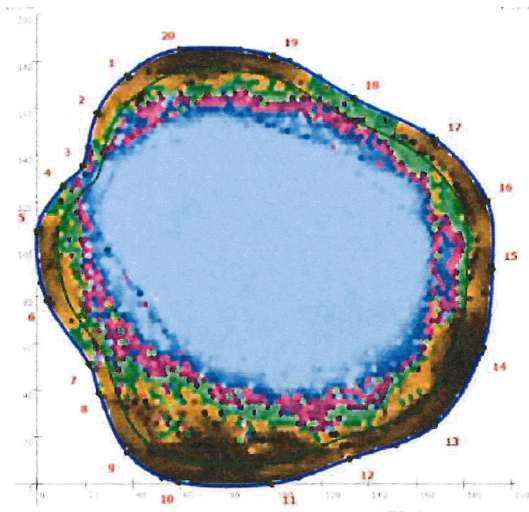
From the analysis report:

*"With the exception of the recent large branch failures, the Meeker Oak appears to be in very good health. **However, there are structural concerns associated with the significant decay found in the stem base, lower main stem, east facing co-dominant stem and large scaffold branches.**"*

*Left:*

*Graphic shows the significant decay found in the stem base, lower main stem, east facing co-dominant stem and large scaffold branches.*





### **Analysis Results (cont.)**

The analysis was also reviewed by urban forest professionals at the City of Olympia. They concluded the method of analysis that was used is thorough and exceeds the usual professional standards in assessing tree health and risk.

*Left:*

*A sonic tomogram of the tree shows interior decay. North is located at measuring point 1, and the side of the tree towards the highway is along measuring points 17, 18, and 19. The blue areas indicate decay or a decay cavity, and the brown areas indicate sound wood. The purple and green areas indicate early or spreading decay. The green line is the calculated shell wall of sound wood required for the tree to remain stable.*

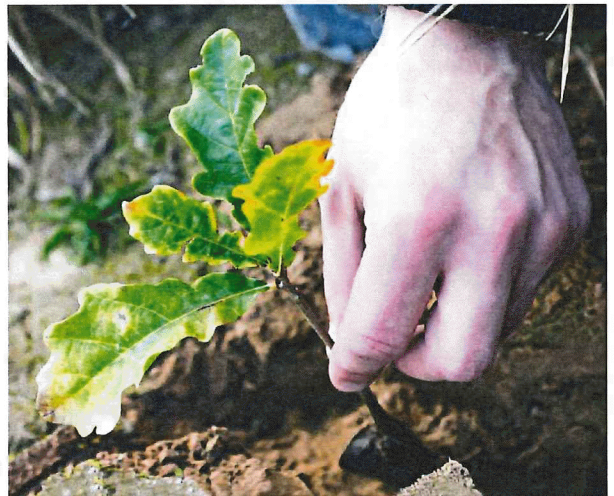
## The City's Highest Priority is Safety

The Davis Meeker tree is located next to a historic hangar, parking areas, a state highway with significant traffic, and power lines. Old Hwy 99 is a busy arterial on which an average of approximately 20,000 vehicles drive each day.

At any given moment, people could be in the hangar, parking areas, or driving near the tree. If the tree or another large branch fails, there is potential for someone to be seriously injured or killed.

## Preserving the Memory of the Davis Meeker Tree

City staff and others collected acorns from the Davis Meeker oak tree last fall that are being grown with the intent to plant these progenies in the future. Plans are also underway to reclaim as much wood as possible from the tree to be used to make items that would preserve the memory of the tree, such as art, bowls, or plaques. Additionally, the Davis Meeker oak tree could be memorialized with a plaque or historical marker at its current site.



Please watch for details about an upcoming community process including a survey to provide your suggestions about how to memorialize the Davis Meeker tree.

---

For more information, including answers to Frequently Asked Questions, please visit:  
[www.ci.tumwater.wa.us/DavisMeekerOakTree](http://www.ci.tumwater.wa.us/DavisMeekerOakTree)

