

1  EXPEDITE  
2  Hearing is set:  
3 Date: \_\_\_\_\_  
4 Time: \_\_\_\_\_  
5 Judge/Calendar: \_\_\_\_\_

6  
7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**  
8 **IN AND FOR THE COUNTY OF THURSTON**

9 SAVE THE DAVIS-MEEKER GARRY OAK,

10 Plaintiff,

11 vs.

12 DEBBIE SULLIVAN, in her capacity of Mayor  
of Tumwater,

13 Defendant.

NO. 24-2-01895-34

**DECLARATION OF DEBBIE SULLIVAN**

14  
15 Debbie Sullivan hereby states and declares as follows;

16  
17 1. I am over the age of 18, am competent to testify herein and make this declaration on  
18 personal knowledge. I am the Mayor of the City of Tumwater and defendant in this matter. As mayor I  
19 am the head of the executive branch of city government and direct the affairs of the City, including  
20 administration of city streets and public works projects. The City has a clear legal duty to provide safe  
21 streets and to protect the traveling public from hazards in the right of way, including hazards created by  
22 decaying trees that my fall or drop limbs into the street, thereby injuring or killing members of the  
23 traveling public.

24  
25 2. The Davis Meeker Garry Oak tree in this case is located immediately adjacent to Old  
26 Highway 99, one of Tumwater's busiest streets, near the Olympia Airport. In February 2024, a large

1 limb fell from the tree, suggesting that it might present a hazard to the traveling public. The City  
2 commissioned a study by the City's contracted tree professional, Sound Urban Forestry. They  
3 investigated and concluded that there was substantial rot and decay in the main stems of the tree and  
4 recommended its removal. It found that the tree was in poor condition and posed a high risk to the  
5 public. A copy of their report is attached as **Exhibit 1**.

6  
7 3. In response to this report, I asked staff to confer with Olympia's arborist to get another  
8 opinion. The City received an email from Jasen Johns (ISA Board Certified Master Arborist, Municipal  
9 Specialist, TRAQ #SO-5648BM) who is Olympia's Urban Forestry Program Manager. His April 24,  
10 2024 email is attached as **Exhibit 2**. He acknowledged the condition of the tree found by the City of  
11 Tumwater's assessment and affirmed that the City's arborist exceeded the standard of care in performing  
12 its assessment.

13  
14 4. The removal of this tree is important to safeguard the public using the adjacent street, Old  
15 Highway 99 and other members of the public at the airport. There is a public event scheduled at the  
16 Airport in mid June (June and the large crowds will be threatened if the tree remains in place. Expansion  
17 of the airport in the future is irrelevant and this tree has no impact on any such plans. My decision is to  
18 protect the public and the City from potential liability. Our insurance carrier, WCIA, informs me that  
19 the amount of liability could easily exceed \$10 million if people are injured or killed by falling limbs or  
20 collapse of the tree itself.

21  
22 5. I have been sensitive to historic concerns and reached out to tribal officials about the  
23 need to remove this old oak tree. I emailed the Cowlitz Tribal Chair about the issue on May 9, 2024. I  
24 emailed the tribal chairs of the Chehalis, Nisqually, and Squaxin Island tribes on May 14, 2024 about  
25 this issue. None have expressed any concern.  
26



# Exhibit 1

# Memo

**To:** Mayor Debbie Sullivan, City of Tumwater  
**From:** Kevin M. McFarland, City of Tumwater Contracted Tree Protection Professional  
**Date:** 5/10/2024  
**Re:** Update to Meeker Oak Tree Risk Report

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This memo is to inform you that updates have been made to the Meeker Oak report, originally dated 10/10/2023. Corrections have been made to page 2 of Attachment 1, the ISA Basic Tree Risk Assessment Form. In transferring the field data to the final report, the wrong Likelihood of Failure for Condition Numbers 1 & 2 within the Risk Categorization Table were selected. The levels of failure should have been "Probable" rather than "Possible".

These changes have no effect on my final Risk Ratings and they remain "High" as originally shown.

If you should have questions, please feel free to contact me at 360-870-2511 or [suf1234@comcast.net](mailto:suf1234@comcast.net).

# SUF

**SOUND URBAN FORESTRY, LLC**

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Appraisals ~ Site Planning ~ Urban Landscape Design and Management  
Environmental Education ~ Environmental Restoration ~ Risk Assessments

10/10/2023, Amended 5/10/2024

City of Tumwater  
Marc LaVack  
555 Israel Rd SW  
Tumwater, WA 98501

RE: Meeker Oak Risk Assessment

Mr. LaVack:

Upon your request, a thorough evaluation of the Meeker Oak located at the Olympia Regional Airport has been conducted. This tree has become of concern due to the recent failure of a two large diameter scaffold branches on the north side. Per your direction, this evaluation has included a risk assessment by myself, an aerial assessment by a climbing certified arborist and a sonic tomography by Tree Solutions Inc, all conducted during the months of June -August of this year. The purpose of this report is to present the findings and offer my recommendations based on those findings to the City of Tumwater.

This report was amended on June 5, 2024 to reflect an update within Appendix 1, the ISA Basic Tree Risk Assessment Form.

## Tree Risk Assessment Methodology

The tree risk assessment methodology used for this report was developed by the International Society of Arboriculture in 2013. It replaces the original method adopted in 2011.

Tree risk assessment can be conducted at different levels of intensity, each employing varying methods and providing the client with varied options of reporting and recommendations. The level selected should be appropriate for the assignment.

The ANSI standard for risk assessment and ISA's *Best Management Practices: Tree Risk Assessment* defines three levels of tree risk assessment:

- Level 1: Limited visual
- Level 2: Basic
- Level 3: Advanced

Level 1 assessment involves a visual assessment of an individual tree or populations of trees near specified targets, conducted from a specified perspective in order to identify certain obvious defects or specified conditions. A limited visual assessment typically focuses on identifying trees with *imminent* and/ or *probable* likelihood of failure.

A Level 2 or basic assessment is the standard assessment performed by arborists in response to most private client requests for tree risk assessments. It consists of a detailed visual inspection of a tree and its surrounding site and a synthesis of the information collected. A basic assessment requires walking completely around the tree – looking at the site, buttress roots, trunk and branches. Looking at the tree from some distance away, as well as close up, to consider crown shape and surroundings.

Level 3 is an advanced assessment and it is performed to provide detailed information about specific tree parts, defects, targets, or site conditions. It may be in conjunction with or after a basic assessment if additional information is needed and the client approves the additional service. Specialized equipment, data collection and analysis, and/or expertise are usually required for advanced assessments. These assessments are, therefore, generally more time intensive and more expensive.

After determining the likelihood of failure and the likelihood of impacting a target, the combined likelihood of a failure impacting a target can be categorized. Matrix 1 can be used as a guide in relating these likelihood factors within a given time frame. The resulting terms (unlikely, somewhat likely, likely, very likely) are defined by their use within the table and are used to represent this combination of occurrences in Matrix 2.

**Matrix 1. Likelihood of Failure**

| Likelihood of Failure | Likelihood of Impacting Target |          |                 |                 |
|-----------------------|--------------------------------|----------|-----------------|-----------------|
|                       | Very Low                       | Low      | Medium          | High            |
| <b>Imminent</b>       | Unlikely                       | Unlikely | Likely          | Very likely     |
| <b>Probable</b>       | Unlikely                       | Unlikely | Somewhat likely | Likely          |
| <b>Possible</b>       | Unlikely                       | Unlikely | Unlikely        | Somewhat likely |
| <b>Improbable</b>     | Unlikely                       | Unlikely | Unlikely        | Unlikely        |

**Matrix 2. Risk Rating**

| Likelihood of Failure and Impact | Consequences of Failure |          |             |          |
|----------------------------------|-------------------------|----------|-------------|----------|
|                                  | Negligible              | Minor    | Significant | Severe   |
| <b>Very likely</b>               | Low                     | Moderate | High        | Extreme  |
| <b>Likely</b>                    | Low                     | Moderate | High        | High     |
| <b>Somewhat likely</b>           | Low                     | Low      | Moderate    | Moderate |
| <b>Unlikely</b>                  | Low                     | Low      | Low         | Low      |

Field Data and Recommendations

A level 3 risk assessment was conducted by myself on June 14, 2023. The following table presents a summary of my findings. More detail can be found in Appendix 1, Tree Risk Assessment Form.

**Table 3. Complete Risk Assessment Summary**

| Species                                     | DBH (in) | Height (ft) | Live Canopy Ratio | Target   | Distances to Target   | Condition | Comments   | Risk Rating |
|---|----------|-------------|-------------------|--|-----------------------|-----------|--|-------------|
| Oregon White Oak<br><i>Quercus garryana</i> | 66       | 125         | 35                | Hwy 99, south parking, north parking, power-lines, aircraft hangar | 6', 30', 40', 4', 12' | Poor      | Recent failure of an 18" scaffold branch on the north side at 50'. Also, a former failure of a 12" scaffold branch on the east side at 65'. There are signs of white rot infection on the upper sides of both points of failure. Failures were likely due to the infection along with the inclusions and end weight. Trunk soundings on the north and northeast sides at the base indicated probable interior decay up to 6'+. An open decay cavity is present within this location. Two core samples extracted from this area at 3' above grade: #1 taken above the cavity revealed 5" of solid wood, #2 revealed 4" of solid wood. A probe inserted into the cavity did not meet any resistance until 2' and the tip was covered in wet, decayed wood. | High        |



## **Aerial Assessment**

An aerial assessment was conducted by Amanda Hancock (ISA Certified Arborist TX4155AU & TRAQ) with Waxwing Tree Specialists on June 29, 2023. This inspection found extensive white rot decay within the large scaffold that recently experienced failure at the union (see photo). Further examination determined that the main stem's decay column continues upward into the eastern co-dominant stem and large diameter scaffold branches (see attached diagram). The west facing co-dominant stem contains solid healthy interior wood upward into the large scaffold branches overhanging the drive and aircraft hangar.

## **Sonic Tomography**

A sonic tomography was conducted on the tree by Tyler Bunton (ISA Certified Arborist PN-8715A and TRAQ) with Tree Solutions Inc. on August 24, 2023. A detailed summary of his findings can be found in Appendix 2 but essentially, his test conducted at 50 cm above the base found that due to the extent of decay, the tree has slightly more sound wood than required to support itself. He is recommending the tree receive retrenchment pruning to reduce the height and spread by 15 feet in order to lower the chance of future failures.

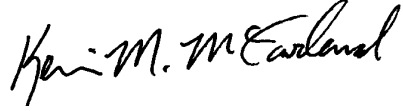
## **Comments**

With the exception of the recent large branch failures, the Meeker Oak appears to be in very good health. The crown density, leaf color, leaf size and internode growth all indicate a vigorous tree. 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. Probable future failures include large diameter scaffold branches from the east facing co-dominant stem and the entire west facing co-dominant stem at the union. The associated inclusions and stress loads will contribute to future failures. Structural support systems in conjunction with pruning were considered but the extent of decay in the main stem and upper east side of the canopy removes that as a mitigation option in my opinion.

The other mitigation options are retrenchment pruning and removal. A considerable amount of thought has been put into my final recommendation. The retrenchment option would be controversial to say the least along with the potential of its ineffectiveness. The targets around this veteran tree are many and high-use and the risk rating would remain high. If the City of Tumwater and the community opts for retrenchment pruning, there will be a need for the development of pruning specifications and a long-term management plan.

Based on my findings and information I have been provided, I am recommending removal.

Professionally Submitted,



Kevin M. McFarland, Principal  
Consulting Urban Forester, Contracted City of Tumwater Tree Protection Professional  
ISA Certified Arborist PN-0373 & Tree Risk Assessment Qualified  
Sound Urban Forestry, LLC  
P.O. Box 489  
Tahuya, WA 98588  
360-870-2511

#### References

Dunster, Dr, Julian et al. 2017. *Tree Risk Assessment Manual. Second Edition* International Society of Arboriculture. Champaign, IL.

Mattheck, C. & Brelor, H (1998). *The body language of trees. A handbook for failure Analysis*. Research for Amenity Trees No. 4. The Stationary Office, London.

Smiley, E. Thomas, Nelda Matheny and Sharon Lilly. 2011. *Best Management Practices – Tree Risk Assessment*. International Society of Arboriculture. Champaign, IL.

Location of Assessed Tree



Photos



**Point of recent failure**



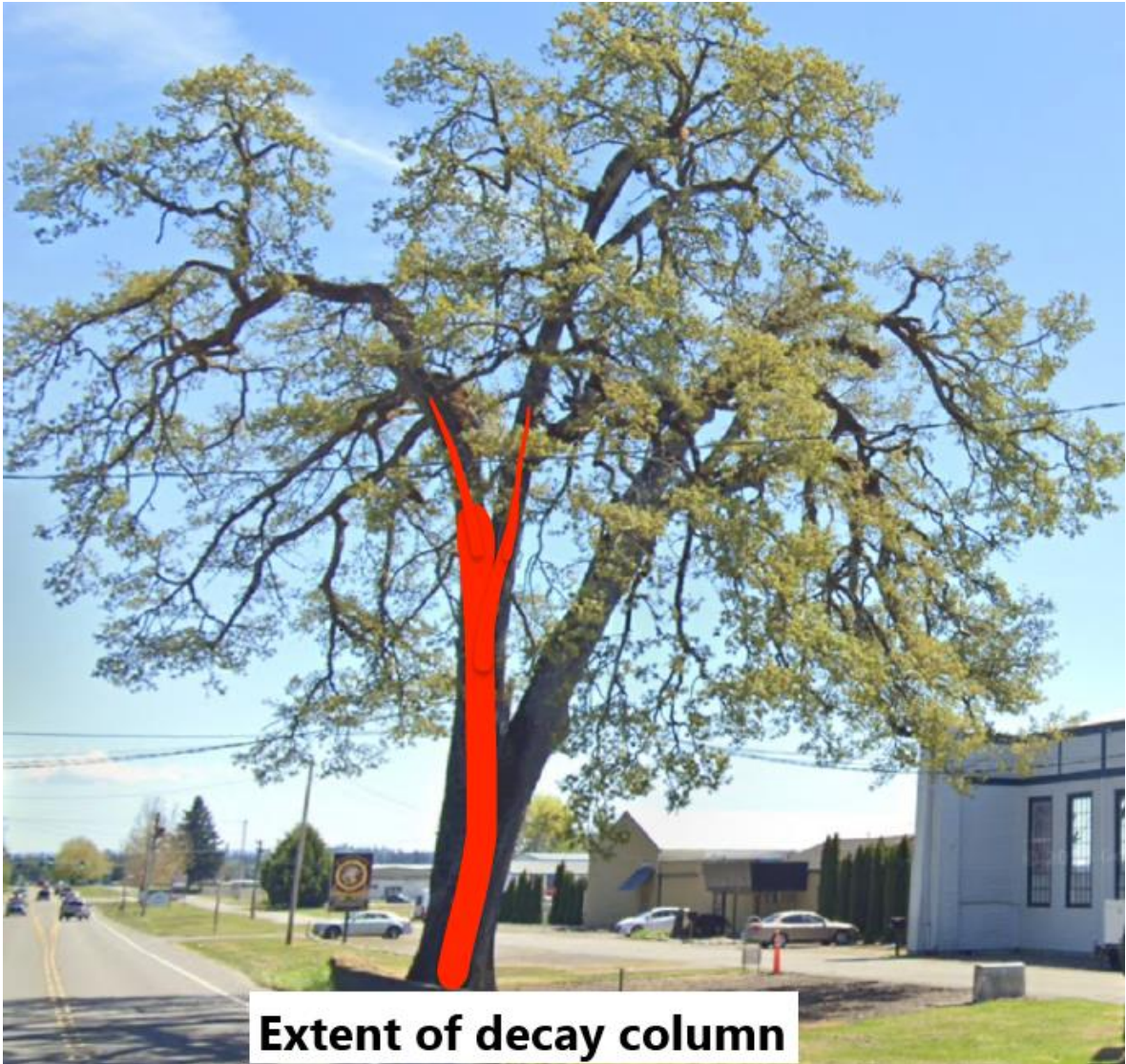
**Open decay cavity at the base**



**Points of failure of eastern stem**



**Aerial assessment by climbing arborist**



**Extent of decay column**

## Appendix 1

# ISA Basic Tree Risk Assessment Form

Client City of Tumwater Date June 14, 2023 Time 10AM  
 Address/Tree location 7637 Old Hwy 99 SW, between airport and Hwy 99 Tree no. 1 Sheet 1 of 2  
 Tree species Oregon White Oak, Quercus garyana dbh 66" Height 125' Crown spread dia. 70'  
 Assessor(s) Kevin M. McFarland Time frame 1 year Tools used Mallet, increment borer, binoculars, probe, D-tape

### Target Assessment

| Target number | Target description      | Target zone             |                      |                        | Occupancy rate<br>1 - rare<br>2 - occasional<br>3 - frequent<br>4 - constant | Practical to move target? | Restriction practical? |
|---------------|-------------------------|-------------------------|----------------------|------------------------|--|---------------------------|------------------------|
|               |                         | Target within drip line | Target within 1x Ht. | Target within 1.5x Ht. |  |                           |                        |
| 1             | Hwy 99                  | ✓                       |                      |                        | 4  | No                        | No                     |
| 2             | Airplane hangar         |                         | ✓                    |                        | 3  | No                        | No                     |
| 3             | North and south parking |                         | ✓                    |                        | 3  | No                        | No                     |
| 4             | Electric service drop   | ✓                       |                      |                        | 4  | No                        | No                     |

### Site Factors

History of failures Large scaffold branches, recent and past Topography Flat  Slope  % Aspect \_\_\_\_\_  
 Site changes None  Grade change  Site clearing  Changed soil hydrology  Root cuts  Describe \_\_\_\_\_  
 Soil conditions Limited volume  Saturated  Shallow  Compacted  Pavement over roots  40 % Describe Road and parking  
 Prevailing wind direction SW Common weather Strong winds  Ice  Snow  Heavy rain  Describe \_\_\_\_\_

### Tree Health and Species Profile

Vigor Low  Normal  High  Foliage None (seasonal)  None (dead)  Normal 100 % Chlorotic \_\_\_\_\_ % Necrotic \_\_\_\_\_ %  
 Pests \_\_\_\_\_ Abiotic \_\_\_\_\_  
 Species failure profile Branches  Trunk  Roots  Describe \_\_\_\_\_

### Load Factors

Wind exposure Protected  Partial  Full  Wind funneling  Relative crown size Small  Medium  Large   
 Crown density Sparse  Normal  Dense  Interior branches Few  Normal  Dense  Vines/Mistletoe/Moss   
 Recent or planned change in load factors \_\_\_\_\_

### Tree Defects and Conditions Affecting the Likelihood of Failure

#### — Crown and Branches —

Unbalanced crown  LCR 35 % Cracks  Lightning damage   
 Dead twigs/branches  5 % overall Max. dia. 5" Codominant  Included bark   
 Broken/Hangers Number \_\_\_\_\_ Max. dia. \_\_\_\_\_ Weak attachments  Cavity/Nest hole \_\_\_\_\_ % circ.  
 Over-extended branches  Previous branch failures  Similar branches present   
 Pruning history  
 Crown cleaned  Thinned  Raised   
 Reduced  Topped  Lion-tailed   
 Flush cuts  Other \_\_\_\_\_  
 Dead/Missing bark  Cankers/Galls/Burls  Sapwood damage/decay   
 Conks  Heartwood decay  White Rot  
 Response growth Normal  
 Main concern(s) \_\_\_\_\_

Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

#### — Trunk —

Dead/Missing bark  Abnormal bark texture/color   
 Codominant stems  Included bark  Cracks   
 Sapwood damage/decay  Cankers/Galls/Burls  Sap ooze   
 Lightning damage  Heartwood decay  Conks/Mushrooms   
 Cavity/Nest hole 50 % circ. Depth \_\_\_\_\_ Poor taper   
 Lean \_\_\_\_\_ ° Corrected? \_\_\_\_\_  
 Response growth \_\_\_\_\_  
 Main concern(s) Decay present at co-dominant union

Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

#### — Roots and Root Collar —

Collar buried/Not visible  Depth \_\_\_\_\_ Stem girdling   
 Dead  Decay  Conks/Mushrooms   
 Ooze  Cavity  50 % circ.  
 Cracks  Cut/Damaged roots  Distance from trunk \_\_\_\_\_  
 Root plate lifting  Soil weakness   
 Response growth \_\_\_\_\_  
 Main concern(s) Suspect root collar and flare decay

Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

| Risk Categorization |                       |   |           |               |               |                   |                          |                                     |                                     |                          |                          |                          |                                     |                                     |                                  |                          |                                     |                          |                                     |                          |                                     |                                     |        |
|---------------------|-----------------------|---|-----------|---------------|---------------|-------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|----------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------|
| Condition number    | Tree part             | Conditions of concern                             | Part size | Fall distance | Target number | Target protection | Likelihood               |                                     |                                     |                          |                          |                          |                                     |                                     |                                  |                          |                                     |                          | Risk rating of part (from Matrix 2) |                          |                                     |                                     |        |
|                     |                       |   |           |               |               |                   | Failure                  |                                     |                                     |                          | Impact                   |                          |                                     |                                     | Failure & Impact (from Matrix 1) |                          |                                     |                          |                                     | Consequences             |                                     |                                     |        |
|                     |                       |   |           |               |               |                   | Improbable               | Possible                            | Probable                            | Imminent                 | Very low                 | Low                      | Medium                              | High                                | Unlikely                         | Somewhat                 | Likely                              | Very likely              |                                     | Negligible               | Minor                               | Significant                         | Severe |
| 1                   | Large scaffold branch | Failure due to decay                              | 16"       | 6'            | 1             | None              | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>         | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | High   |
|                     |                       |   | 16"       | 30'           | 3             | None              | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>         | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | High   |
| 2                   | Co-dominant stem      | Suspect weak union at stem inclusion due to decay | 30"       | 80'           | 2             | None              | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>         | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | High   |
|                     |                       |   |           |               |               |                   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>         | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |        |
| 3                   | Branch                | Poor attachment                                   | 6"        | 4'            | 4             | None              | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>         | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Low    |
|                     |                       |   |           |               |               |                   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>         | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |        |
| 4                   |                       |   |           |               |               |                   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>         | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |        |
|                     |                       |   |           |               |               |                   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>         | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |        |

Matrix 1. Likelihood matrix.

| Likelihood of Failure | Likelihood of Impacting Target |                 |                 |                 |
|-----------------------|--------------------------------|-----------------|-----------------|-----------------|
|                       | Very low                       | Low             | Medium          | High            |
| Imminent              | Unlikely                       | Somewhat likely | Likely          | Very likely     |
| Probable              | Unlikely                       | Unlikely        | Somewhat likely | Likely          |
| Possible              | Unlikely                       | Unlikely        | Unlikely        | Somewhat likely |
| Improbable            | Unlikely                       | Unlikely        | Unlikely        | Unlikely        |

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Matrix 2. Risk rating matrix.

| Likelihood of Failure & Impact | Consequences of Failure |          |             |          |
|--------------------------------|-------------------------|----------|-------------|----------|
|                                | Negligible              | Minor    | Significant | Severe   |
| Very likely                    | Low                     | Moderate | High        | Extreme  |
| Likely                         | Low                     | Moderate | High        | High     |
| Somewhat likely                | Low                     | Low      | Moderate    | Moderate |
| Unlikely                       | Low                     | Low      | Low         | Low      |



Notes, explanations, descriptions \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Mitigation options Retrenchment pruning Residual risk High  
Removal Residual risk None  
 \_\_\_\_\_ Residual risk \_\_\_\_\_  
 \_\_\_\_\_ Residual risk \_\_\_\_\_

Overall tree risk rating Low  Moderate  High  Extreme  Work priority 1  2  3  4

Overall residual risk Low  Moderate  High  Extreme  Recommended inspection interval \_\_\_\_\_

Data  Final  Preliminary Advanced assessment needed  No  Yes-Type/Reason Aerial inspection, sonic tomography

Inspection limitations  None  Visibility  Access  Vines  Root collar buried Describe \_\_\_\_\_



**Memorandum**

To: Kevin McFarland – Sound Urban Forestry LLC  
Site: Olympia Regional Airport  
7525 Old Highway 99 SE  
Tumwater, WA 98501  
Re: Sonic Tomography of One Garry Oak Tree  
Date: September 5, 2023  
Project Arborist: Tyler Bunton  
ISA Certified Arborist PN-8715A  
ISA Qualified Tree Risk Assessor  
Reviewed By: George White,  
ISA Certified Arborist PN-8908A  
ISA Qualified Tree Risk Assessor

This memorandum documents the visit by Tyler Bunton of Tree Solutions Inc. to the above referenced site on August 24, 2023 to perform sonic tomography on one Garry oak (*Quercus garryana*) tree. Kevin McFarland requested these services to obtain additional information about the extent of decay at the base of the tree to provide the City of Tumwater with a more informed risk assessment and management recommendations. The sonic tomogram can be found in Appendix A.

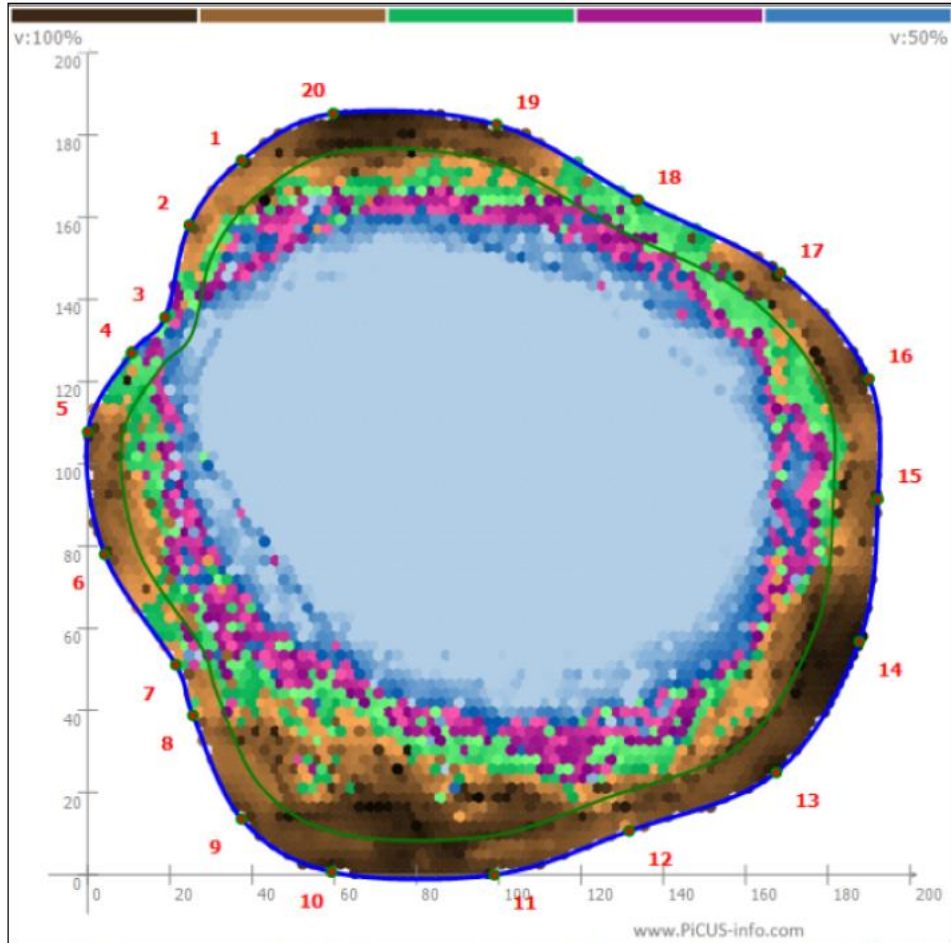
I used a PiCUS sonic tomograph to obtain a tomogram 50 centimeters above the tree base. I selected this height based on soundings of the trunk which indicated the most extensive decay was located low in the trunk. I used the PiCUS Q74 program to analyze the data and obtain a rough estimate of the remaining sound wood shell wall required to maintain tree stability, indicated by the green line in Figure 1 in Appendix A.

The tomogram indicates there is slightly more sound wood than is required to support the tree. However, due to the extent of the decay and thin shell wall around measuring points 3, 4, and 18 it is my opinion that this tree should be managed as a veteran tree and have retrenchment pruning performed to reduce the tree height and spread by approximately 15 feet. Reducing the tree height and spread will result in lowered wind loads acting on the trunk and branch unions resulting in a lower likelihood of failure.

If this tree is retained, it should be reassessed with sonic tomography in five years to determine if the decay is continuing to spread and what the remaining shell wall is at that time. Additionally, 4 to 6 inches of wood chip mulch should be added within the dripline of the tree to improve soil conditions. The wood chip mulch should be kept 12 inches from the base of the tree.



### Appendix A Test Results



**Figure 1.** Sonic tomogram of the subject tree. 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.

### Appendix B Photographs



**Photograph 1.** Measuring point 1 is circled in red. An opening into the decay cavity is indicated by the red arrow.



**Photograph 2.** The crown of the subject tree viewed from the southeast. The red line indicates approximately 15 feet of crown reduction.

### Appendix C Assumptions & Limiting Conditions

- 1 Consultant assumes that the site and its use do not violate, and is in compliance with, all applicable codes, ordinances, statutes, or regulations.
- 2 The consultant may provide a report or recommendation based on published municipal regulations. The consultant assumes that the municipal regulations published on the date of the report are current municipal regulations and assumes no obligation related to unpublished city regulation information.
- 3 Any report by the consultant and any values expressed therein represent the opinion of the consultant, and the consultant's fee is in no way contingent upon the reporting of a specific value, a stipulated result, the occurrence of a subsequent event, or upon any finding to be reported.
- 4 All photographs included in this report were taken by Tree Solutions, Inc. during the documented site visit, unless otherwise noted. Sketches, drawings, and photographs (included in, and attached to, this report) are intended as visual aids and are not necessarily to scale. They should not be construed as engineering drawings, architectural reports, or surveys. The reproduction of any information generated by architects, engineers or other consultants and any sketches, drawings or photographs is for the express purpose of coordination and ease of reference only. Inclusion of such information on any drawings or other documents does not constitute a representation by the consultant as to the sufficiency or accuracy of the information.
- 5 Unless otherwise agreed, (1) information contained in any report by consultant covers only the items examined and reflects the condition of those items at the time of inspection; and (2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, climbing, or coring.
- 6 These findings are based on the observations and opinions of the authoring arborist, and do not provide guarantees regarding the future performance, health, vigor, structural stability, or safety of the plants described and assessed.
- 7 Measurements are subject to typical margins of error, considering the oval or asymmetrical cross-section of most trunks and canopies.
- 8 Tree Solutions did not review any reports or perform any tests related to the soil located on the subject property unless outlined in the scope of services. Tree Solutions staff are not and do not claim to be soils experts. An independent inventory and evaluation of the site's soil should be obtained by a qualified professional if an additional understanding of the site's characteristics is needed to make an informed decision.
- 9 Our assessments are made in conformity with acceptable evaluation/diagnostic reporting techniques and procedures, as recommended by the International Society of Arboriculture.

## **Definitions**

**Included Bark (Inclusion):** Bark that becomes embedded in a crotch (union) between branch and trunk or between co-dominant stems. Causes a weak structure.

**Retrenchment:** Natural process during which an overly mature tree reduces its crown and increases its girth to consolidate resources and increase longevity; the deliberate process of reducing tree height to mimic process.

**Sounding:** Process of striking a tree with a mallet or other appropriate tool and listening for tones that indicate dead bark, a thin layer of wood outside a cavity, or crack in wood.

**Tomography:** The use of multiple sensors placed around a trunk or limb to record sound or magnetic waves traveling through the wood, with measurements resulting in a picture of internal density characteristics. Typically used in arboriculture to measure the extent of decay in trees.

### **Assumptions and Limitations of Tree Risk Assessment**

1. Tree risk assessment is limited in scope to the specific risks(s) of interest, and does not include any and all risks.
2. Tree risk assessment considers significant known and/or assigned targets and visible or detectable tree conditions.
3. Tree risk assessments represent the condition of the tree and site at the time of inspection.
4. Only those trees specified in the scope of work were assessed, and assessments were performed within the limitations specified.
5. Any tree, whether it has visible weaknesses or not, will fail if the forces applied exceed the strength of the tree or its parts.
6. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/appraiser can neither guarantee nor be responsible for the accuracy of information provided by others. Any legal description provided to the consultant/appraiser is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable.
7. Loss or alteration of any part of this report invalidates the entire report.
8. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of Sound Urban Forestry, LLC.
9. Neither all or any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales or other media, without the prior expressed written or verbal consent of Sound Urban Forestry, LLC – particularly as to the value considerations, identity of Sound Urban Forestry, LLC, or any reference to any professional society or to any initialed designation conferred upon Sound Urban Forestry, LLC as stated in its qualifications.
10. This report and any values expressed herein represent the opinion of Sound Urban Forestry, LLC and the fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence neither of a subsequent event, nor upon any finding to be reported.
11. Diagrams, graphs, photographs and sketches in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys.
12. Sound Urban Forestry, LLC shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made.
13. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, drilling or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the tree or other plant or property in question may not arise in the future.
14. The time frame for risk categorization should not be considered a “guarantee period” for the risk assessment.

# Exhibit 2

## Jeff Myers

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**From:** Sharleen Johansen <SJohansen@ci.tumwater.wa.us>  
**Sent:** Friday, May 24, 2024 11:42 AM  
**To:** Jeff Myers  
**Cc:** Karen Kirkpatrick  
**Subject:** FW: Tumwater's Jack Davis / Ezra Meeker Garry Oak Tree

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

Jeff,

I was asked to forward the following email chain to you.

Sharleen

---

**From:** Jasen Johns <[jjohns@ci.olympia.wa.us](mailto:jjohns@ci.olympia.wa.us)>  
**Sent:** Wednesday, April 24, 2024 10:25 AM  
**To:** Lisa Parks <[LParks@ci.tumwater.wa.us](mailto:LParks@ci.tumwater.wa.us)>  
**Cc:** Jay Burney <[jburney@ci.olympia.wa.us](mailto:jburney@ci.olympia.wa.us)>; Tim Smith <[tsmith@ci.olympia.wa.us](mailto:tsmith@ci.olympia.wa.us)>  
**Subject:** RE: Tumwater's Jack Davis / Ezra Meeker Garry Oak Tree

Good morning, Lisa,

Thank you for reaching out concerning my earlier e-mail. Tim Smith and I had discussed our approach to community inquiry from Olympia regarding Tumwater's Jack Davis / Ezra Meeker Garry Oak. Yes, of course y'all may share my earlier e-mail as you will. And please feel free to share the following additional thoughts as well.

It is my hope that folks understand that not only was Kevin McFarland's methodology excellent, but that he has been caring for this very same oak for the past 27 years. Arboriculture is, ultimately, rooted in empirical science, which is to say it is observation-based. Over the past 27 years, Mr. McFarland has amassed a number of trained observations of this oak. Like a long-time family doctor, Mr. McFarland knows his patient very well. He has monitored the tree's health and the risk it poses over a long time. This should be weighed heavily when considering his professional assessment, which is grounded in a Forestry B.S., continuing education through maintenance of professional certifications, and three decades of municipal arboriculture / urban forestry experience in the Cascadia bioregion.

In hiring two more Arborists with International Society of Arboriculture (ISA) Tree Risk Assessor Qualifications (TRAQ) to inspect this important heritage tree, City of Tumwater has well-exceeded its duty of care. These Arborists, Amanda Hancock and Tyler Bunton, have provided additional diagnostics that provide more information concerning the tree's health and risk it poses. Their aerial inspection and sonic tomography paint a picture of an extensive decay column within the main stem of the tree. Recently dropped stems from the tree are consistent with this pattern of fungal rot, as well as how fungal hyphae continue to spread throughout the tree.

All three Arborists have collected a wealth of information in determining a prescription for this tree.

Given the history and sense-of-place Tumwater's Jack Davis / Ezra Meeker Garry Oak provides, removal of this tree would be a hard decision regardless of its material condition. Trees take a long time to grow. Replacement of this oak

will take centuries. Professionally, I believe City of Tumwater has gone above and beyond what is required in assessing the health and risk posed by the Jack Davis / Ezra Meeker Garry Oak.

With sympathy,

Jasen Johns (ISA Board Certified Master Arborist, Municipal Specialist, TRAQ #SO-5648BM)  
Urban Forestry Program Manager  
Community Planning & Development  
City of Olympia

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**From:** Lisa Parks <[LParks@ci.tumwater.wa.us](mailto:LParks@ci.tumwater.wa.us)>  
**Sent:** Tuesday, April 23, 2024 5:20 PM  
**To:** Jasen Johns <[jjohns@ci.olympia.wa.us](mailto:jjohns@ci.olympia.wa.us)>  
**Cc:** Jay Burney <[jburney@ci.olympia.wa.us](mailto:jburney@ci.olympia.wa.us)>  
**Subject:** FW: Tumwater's Jack Davis / Ezra Meeker Garry Oak Tree Good evening

Good evening, Jasen and Jay,

I'm reaching out for two reasons: First, to thank you, Jasen, for your thoughtful email, below. We have indeed been getting a lot of input related to the health of the Davis Meeker Garry Oak Tree, including some challenges to the professional competency of our contract City Arborist – we have full faith in him, by the way! Second, I was hoping to get your permission to share your email with our Council Members, in part so they can see that there isn't widespread concurrence in the arborists' community that Kevin's report is erroneous, flawed and incorrect, which is currently the loudest message they are receiving. I believe your email would be impactful to the Council Members; however, even though the email is already a public record, bringing it to the attention of the Council will likely expose it, and you, to at least some level of public scrutiny, and I don't want to cause any undue angst for you.

If you could share your thoughts on my request, I would be grateful!

Warm regards,

**Lisa Parks | City Administrator (she/her)**  
City of Tumwater  
555 Israel Road SW | Tumwater, WA 98501  
O (360) 754-4120  
[lparks@ci.tumwater.wa.us](mailto:lparks@ci.tumwater.wa.us) | [www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)

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**From:** Ann Cook <[ACook@ci.tumwater.wa.us](mailto:ACook@ci.tumwater.wa.us)>  
**Sent:** Thursday, March 21, 2024 10:53 AM  
**To:** Lisa Parks <[LParks@ci.tumwater.wa.us](mailto:LParks@ci.tumwater.wa.us)>; Debbie Sullivan <[DSullivan@ci.tumwater.wa.us](mailto:DSullivan@ci.tumwater.wa.us)>; Brandon Hicks <[BHicks@ci.tumwater.wa.us](mailto:BHicks@ci.tumwater.wa.us)>; Mary Heather Ames <[MHAmes@ci.tumwater.wa.us](mailto:MHAmes@ci.tumwater.wa.us)>; Dan Smith <[DESmith@ci.tumwater.wa.us](mailto:DESmith@ci.tumwater.wa.us)>; Alyssa Jones Wood <[AJonesWood@ci.tumwater.wa.us](mailto:AJonesWood@ci.tumwater.wa.us)>; Chuck Denney <[CDenney@ci.tumwater.wa.us](mailto:CDenney@ci.tumwater.wa.us)>; Karen Kirkpatrick <[KKirkpatrick@ci.tumwater.wa.us](mailto:KKirkpatrick@ci.tumwater.wa.us)>; Mike Matlock <[MMatlock@ci.tumwater.wa.us](mailto:MMatlock@ci.tumwater.wa.us)>; Margo Hoffman <[MHoffman@ci.tumwater.wa.us](mailto:MHoffman@ci.tumwater.wa.us)>  
**Subject:** FW: Tumwater's Jack Davis / Ezra Meeker Garry Oak Tree

Please see the email below from the City of Olympia Urban Forester.



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**From:** Ann Cook  
**Sent:** Thursday, March 21, 2024 10:51 AM  
**To:** 'Jasen Johns' <[jjohns@ci.olympia.wa.us](mailto:jjohns@ci.olympia.wa.us)>; Stephanie Klein <[SKlein@ci.tumwater.wa.us](mailto:SKlein@ci.tumwater.wa.us)>  
**Subject:** RE: Tumwater's Jack Davis / Ezra Meeker Garry Oak Tree

Hello, Jasen:

It's nice to hear from you again. Your thoughtful review and consideration of the Davis Meeker Oak is greatly appreciated. I am not surprised to learn this is being discussed in our neighboring city.

If there is any additional information you need to respond to inquiries you are receiving, please let me know.

Thx

A

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**From:** Jasen Johns <[jjohns@ci.olympia.wa.us](mailto:jjohns@ci.olympia.wa.us)>  
**Sent:** Thursday, March 21, 2024 9:39 AM  
**To:** Ann Cook <[ACook@ci.tumwater.wa.us](mailto:ACook@ci.tumwater.wa.us)>; Stephanie Klein <[SKlein@ci.tumwater.wa.us](mailto:SKlein@ci.tumwater.wa.us)>  
**Subject:** Tumwater's Jack Davis / Ezra Meeker Garry Oak Tree

You don't often get email from [jjohns@ci.olympia.wa.us](mailto:jjohns@ci.olympia.wa.us). [Learn why this is important](#)

Ann and Stephanie,

Y'all must be inundated with contacts concerning the Jack Davis / Ezra Meeker Garry Oak. I have heard community concerns in City of Olympia as well.

Thank you for providing me with your arborist and staff reports concerning this special tree.

After talking with Kevin McFarland of Sound Urban Forestry and reading City of Tumwater's commissioned reports, I have a fair degree of confidence that it might be time to bid adieu to this living being that has bridged so much history, so much change.

While I have not inspected the oak myself, Kevin's reported methodology is very thorough and exceeds the usual professional standards in assessing tree health and risk. In particular, two methods caught my attention. Amanda Hancock of Waxwing Tree Specialist performed an aerial inspection, and Tyler Bunton of Tree Solutions performed soundings plus sonic tomography tests. Their findings are consistent with Kevin's prescription for removal of the Jack Davis / Ezra Meeker Garry Oak.

There are, of course, many possible afterlives for the Jack Davis / Ezra Meeker Garry Oak. Here are two:

1. Harvesting acorns to sprout, then distribute to the community could provide a continuity for this beloved oak. The City of Tumwater's Web page for the oak on the historic register could provide a map of where its many saplings were planted, where they survive it.
2. Regeneration from vegetative trunk sprouts: Garry oak stumps can sprout vigorously after cutting (or fire, even.) Suckering sprouts will arise from dormant buds at the root collar, so the final cut to the stump should be low, but above the root collar. The sprouts will grow bushy, but can be selectively pruned for improved structure and form over the years. We won't see this tree regrow to its former majesty in our lifetimes, but this historic oak might outlive us yet.

City of Tumwater seems to have made a good faith effort to retain the Jack Davis / Ezra Meeker Garry Oak. I am sorry to read of its extensive decay, recent stem failures, and the risk it poses.

Best Regards,

Jasen Johns

