

EXPEDITE
 No Hearing Set
 Hearing is set
Date: 9/6/2024
Time: 9:00 am
Judge: Egeler

Calendar: Civil

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

SAVE THE DAVIS-MEEKER GARRY OAK,

Case No. 24-2-01895-34

Plaintiff,

vs.

DECLARATION OF RAY GLEASON
IN SUPPORT OF MOTION TO SET
BOND

DEBBIE SULLIVAN, in her capacity of Mayor of
Tumwater

Defendant.

I, RAY GLEASON, make the following declaration:

1. I am an arborist who has been volunteering my time to care for the Davis Meeker oak since 2008. I am also a member of Save the Davis-Meeker Garry Oak (SDMGO). I have knowledge of the facts stated herein and am competent to testify.

2. I am dedicated to this tree because it is a living link connecting multiple generations of multiple cultures. I cannot begin to count how many hours I spent caring for the tree without charge. To acknowledge my service, the City of Tumwater presented me with a plaque in 2010 “for Dedicated Service to the City of Tumwater.” Attached hereto as Exhibit A is a true and correct copy of a photo I took of that plaque.

3. I made multiple visual assessment of the tree annually. I made three separate active management donation visits. After a car fell off a vehicle transport semi in 2008 and hit

1 the tree's main stem, I used cutting edge methods to help the wound heal (semipermeable barrier
2 application and bark tracing). I've done roadside clearance pruning, with the Washington State
3 Patrol acting as traffic control on the road, and I pruned around the powerline to the historic
4 airplane hangar.

5 4. Attached hereto as Exhibit B is a true and correct copy of an article that renown
6 German tree physicist Frank Rinn sent me, except the highlighting and markups on the text on
7 pages 35 and 36 were added after he sent it to me. He wrote the article. It was published in the
8 newsletter of the Urban and Community Forestry Society (www.urban-forestry.com) and is
9 available at https://download.rinntech.com/2018_Rinn_SMA_OneThirdRule.pdf. The article is
10 entitled, "The Visual Tree Assessment One-Third Rule: Frequently Applied, but Mostly
11 Irrelevant." He wrote it in 2018.

13 5. His article is remarkable because it explains a concept of physics that is
14 counterintuitive to what most members of the public, as well as many arborists, might think
15 about trees: "the older mature trees are, the more they can tolerate defects." *See* Exhibit B at 36.
16 In fact, "even strongly hollowed trees can be safer than young intact trees without any defects."
17 *Id.*

18 6. In my experience, oaks, in particular, have a special ability to remain stable when
19 they become hollow. Mature oaks are usually hollow, but the new wood formed in response to
20 decay or injury is denser and more durable than the original wood. This is part of a tree's natural
21 defense mechanism and is known as "compartmentalization." The new growth is often called
22 "reaction wood" and helps to reinforce the tree structure. *See* Shigo, A. L. (1986). *A New Tree*
23 *Biology Dictionary: Terms, Topics, and Treatments for Trees and Their Problems and Proper*
24 *Care*. Durham, NH: Shigo and Trees, Associates.

1 7. Thus, oaks, especially mature oaks, can live hundreds of years with a hollow
2 stem. They should not be assessed for risk in the same way other trees are assessed for risk. It is
3 like comparing apples to oranges.

4 8. As to mature trees generally, not just oaks, many mature trees become more stable
5 as they age. The reason is that “even when tree height is no longer increasing (typically 60 to 80
6 years of age for common urban trees), trees still annually put on girth. The continuous addition
7 of new tree rings automatically leads to an increasing load-carrying capacity and, at the same
8 time, to a correspondingly higher basic stability.” Exhibit B at 35.

9 9. Frank Rinn’s article notes that “[t]he practical implication is that many, if
10 not most, mature urban trees of concern have no need for pruning (for wind-load reduction) or
11 for other expensive mitigation measures, resulting in the following benefits: Less money needed
12 for pruning and cabling mature trees; Less damage to tree vitality and to the tree’s ability to resist
13 fungal decay; and Longer and less expensive conservation of mature and ancient trees as
14 important natural habitats.” *See* Exhibit B at 35-36.

15 10. The article includes as an example a photo of a tree that has stood close to a
16 subtropical coastal shoreline for more than 100 years. *Id.*, at 36. According to the article, a sonic
17 tomogram indicated that the stem has been severely damaged and hollow for decades. Yet the
18 tree has survived dozens of hurricanes, while young intact trees in the same area broke. “This
19 illustrates that the older trees are, the higher their basic safety and the more decay they can
20 tolerate without being significantly more susceptible to breakage.” *Id.*

21 11. Based on my personal experience as an arborist in western Washington, when a
22 Garry oak is in decline, you would start seeing gaps in the canopy, the leaf size at the top would
23 become smaller, and the tone of the leaf would change. The leaves would become lighter. The
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