

July 14, 2021

The Honorable Joe Manchin III
Chairman
Senate Committee on Energy and Natural Resources
Washington, DC 20510

The Honorable John Barrasso
Ranking Member
Senate Committee on Energy and Natural Resources
Washington, DC 20510

Dear Chairman Manchin and Ranking Member Barrasso:

Allow me to introduce myself. My name is Michael Merkley. I am an Army veteran, having served our country during the Vietnam War. I am also a retired Special Agent criminal investigator for the U.S.D.A., Forest Service, where I worked for over twenty eight years.

I was the special agent assigned to investigate the spiking of trees that were part of the Post Office Timber Sale in the Clearwater National Forest in the spring of 1989. After seeing the reports in the news over this past month regarding President Biden's nominee to be director of the Bureau of Land Management, Tracy Stone-Manning, and knowing of her involvement in that incident that I was in charge of investigating, I feel compelled to come forward by writing this letter.

Many of the news reports covering the tree-spiking incident in the Clearwater National Forest in 1989 are inaccurate or incomplete. They have represented Ms. Stone-Manning as a bystander or a victim, and Ms. Stone-Manning has represented herself as a hero. As the criminal investigator assigned to this case, I believe that I am the only other person, besides Ms. Stone-Manning, who knows the full and complete truth in this case and I feel that it is my duty to present the facts to you.

Contrary to many of the stories in the news, Ms. Stone-Manning was not an innocent bystander, nor was she a victim in this case. And, she most certainly was not a hero. Ms. Stone-Manning was not only a member of Earth First!, but she played an active role in the Earth First! hierarchy. The group would not describe itself as one that has

designated leaders, however, it was clear to those of us familiar with the activities of the group that she not only was an active participant but also wielded significant influence among its members.

In 1989, the supervisor of the Clearwater National Forest in Orofino, Idaho received an anonymous, threatening letter regarding trees in the Post Office Timber Sale having been spiked. My investigations later revealed that this letter had been not only collaboratively composed, but also was then typed, and sent by Ms. Stone-Manning. When I inspected the site of the timber sale area, I discovered numerous trees painted with graffiti and many that had been spiked. Some of the spikes in the trees were plainly visible, but on others, the spikes had been deliberately covered with sap and sometimes even had bark stuck on top of the sap, in deliberate attempts to hide the spikes. It should be noted that in this case, damaging government property, including old growth trees, was a federal felony because of the value of the timber. The goal of spiking trees is to prevent loggers from cutting down the trees and can cause serious injury to the loggers if their chain saws strike a spike.

I obtained a federal search warrant that ordered me to search a residence, commonly known as the Sherwood House, that had been identified as the local Earth First! residence in Missoula, Montana. The members of Earth First! had recently been involved in a tree-spiking seminar at the University of Montana, where they taught participants how to properly and effectively spike trees. My law enforcement investigative team and I went through the house and seized computer disks and other evidence that tied the residents of the house to Clearwater National Forest tree spiking. After presenting this evidence to Assistant U.S. Attorney, Mr. George Brietsmeter, he scheduled the case to be heard by a federal grand jury seated in Boise, Idaho. After hearing my testimony, the grand jury issued subpoenas for hair samples, hand writing exemplars, and finger prints. These subpoenas were served on persons suspected of having knowledge of the incident, including Ms. Tracy Stone-Manning.

Throughout this initial investigation in 1989, Ms. Stone-Manning was extremely difficult to work with; in fact, she was the nastiest of the suspects. She was vulgar, antagonistic, and extremely anti-government. She was very uncooperative and refused to provide the hair, hand writing exemplars, and fingerprints as ordered by the federal grand jury. It was not until after we informed her that she would be arrested if she did not comply with the subpoena that she reluctantly provided those samples to me. However, she refused to answer any of my other questions. Eventually, after further investigation, I discovered that she had known all along who had perpetrated the crimes in the

Clearwater National Forest.

In December 1992, I received a call from the FBI in Boston, asking if I knew anything about a tree-spiking incident in the Clearwater National Forest in the spring of 1989. I replied that I did and the FBI agent told me they had a young woman in their office who had come forward with information concerning the spiking. Ms. Guenevere Lilburn told the FBI agents she could identify those involved in the incident. I flew to Boston to interview her. Ms. Lilburn gave me several names of those involved, including Ms. Stone-Manning's. She described how Ms. Stone-Manning typed and mailed the letter to the Forest Service. She also recounted a conversation she had overheard wherein Ms. Stone-Manning along with other co-conspirators planned the tree spiking and discussed whether to use ceramic or metal spikes in the trees. Through Ms. Lilburn's account, it became clear that Ms. Stone-Manning was an active member of the original group that planned the spiking of the Post Office Timber Sale trees.

As a result of Ms. Lilburn's testimony, the grand jury sent Ms. Stone-Manning a "target letter" which meant she was going to be indicted on criminal charges for her active participation in planning these crimes. She hired an attorney who negotiated a deal with the Assistant United States Attorney to gain immunity in exchange for her testimony against the other defendants. While she did provide testimony against her co-conspirators, she still was not forthright about the role she herself played in this case.

Let me be clear. Ms. Stone-Manning only came forward only after her attorney struck the immunity deal, *and not before* she was caught. At no time did she come forward of her own volition, and she was never entirely forthcoming. She was aware that she was being investigated in 1989 and again in 1993 when she agreed to the immunity deal with the government to avoid criminal felony prosecution. I know, because I was the Special Agent in Charge of the investigation.

I retired from the Forest Service in 1997. When I retired, I was honored with several awards and letters of appreciation. One, from Betty H Richardson, U.S. Attorney for the District of Idaho reads, "Special Agent Michael Merkley, in recognition of and appreciation for outstanding effort, leadership and commitment during your law enforcement career, including assistance to the United States Attorney's office for the District of Idaho." Another, received from D. Marc Haws, Chief - Civil Division, who worked for U.S. Attorney Betty Richardson reads, "Whenever I took one of your cases to court, I always felt that the case was well put together and the objectives we were

advancing would further the causes of justice and preservation of our great forest reserves. I always had great confidence because I knew of the high esteem which the judges hold for you." In another letter received from Mikel H. Williams, Chief United States Magistrate Judge, United States District Court, Boise, Idaho, Judge Williams thanks me for professionally presenting and thoroughly investigating cases which I helped present in his court. I believe that these letters of recommendation and appreciation demonstrate that I was a respected public servant who conducted his job with dedication and integrity.

My experiences over the last several years of my career with the Earth First! organization is the primary reason I retired early. During the last years of my career with the Forest Service, this eco-terrorist organization harassed me and my family. In fact, I received death threats from them and at one point and was made aware that they had solicited a contract to kill me and harm my family. Although it's been more than 25 years since then, I am still concerned about what the members of this group could do to me and my family.

However, despite this, and because I know that Tracy Stone-Manning has been nominated as a candidate for the Director of the federal government's Bureau of Land Management, I feel compelled to come forward and share the truth with you. In order to properly evaluate this nominee, you must have the facts and the whole truth. That is what I have presented in this letter. The decision regarding her qualifications for this role is up to you. As a citizen, I trust our Senators to judge what will be best for our country, but in my estimation and given the facts, confirming Ms. Stone-Manning to this position of influence and public trust would be a terrible mistake. Thank you for your time and consideration of my letter.

Sincerely,



Michael W. Merkley
Special Agent (retired)
U.S.D.A. Forest Service