

Judge rules against timber companies in Alaska forest case

By Marc Heller

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The Forest Service isn't legally obligated to meet timber harvesting goals in Alaska's Tongass National Forest, a federal judge ruled Thursday.

In a lawsuit brought by southeast Alaska timber interests, U.S. District Judge Sharon Gleason rejected an argument that the Tongass Timber Reform Act and related laws compel the Forest Service to pursue harvesting goals that meet market demand — a level well in excess of what the federal agency actually sells from the 16.7 million-acre forest.

“Whether the harvest levels are designed to actually meet market demand is a discretionary agency decision, not a mandatory requirement imposed by the TTRA or the Forest Service,” Gleason wrote in [granting the agency's request](#) to dismiss the case in the U.S. District Court for the District of Alaska.

Timber harvest objectives in the Tongass timber law are “infused with discretion,” Gleason wrote.

The case put the Trump administration in the unusual position of arguing against expanded timber harvests, at least in interpretations of the law. As a matter of policy, the administration supports expanded timber sales, including from areas of the Tongass currently closed to logging.

Had the ruling gone the other way, timber companies would have scored a victory in their efforts to keep old-growth logging going in the country's biggest national forest, and to potentially greatly expand Forest Service timber sales there.

In their view, choking off old-growth sales could be the death of the southeast Alaska timber industry.

The major player in Tongass timber, Viking Lumber, supplies wood from some of the oldest trees to make products ranging from pianos to NASA's wind tunnels. But most of the forest is off-limits to logging due to wilderness designations and the roadless area conservation rule, among other limits. The Trump administration is moving to rescind the roadless area rule, although that would still leave the forest mostly closed to logging.

Environmental groups pushing to end old-growth logging took the Forest Service's side. The Center for Biological Diversity joined the lawsuit as intervenors, with the Southeast Alaska Conservation Council, the Organized Village of Kake and others.

“This ruling is a big victory for the Tongass' old-growth forests. I'm relieved the court squarely rejected the logging industry's rash attempt to force large-scale logging,” said Marlee Goska, Alaska attorney for the CBD, in a statement.

The Tongass land management plan, last amended in 2016, calls for an annual timber harvest average of 46 million board feet to meet market demand; actual harvests were closer to 10 million board feet from 2018 to 2021, according to the Forest Service.

The Alaska Forest Association, Viking Lumber and Alcan Forest Products sued the agency last March under the Administrative Procedure Act, with help from the Pacific Legal Foundation. They said the Biden administration had veered from the law in deciding to halt commercial old-growth logging in the Tongass as part of a “Southeast Alaska Sustainability Strategy” that also pumped \$25 million into other economic initiatives in the region.

Sarah Dahlstrom, president of the Alaska Forest Association, said: “The judge made the wrong decision. We are confident that the 9th Circuit Court will reverse it.”

“The Tongass Timber Reform Act was meant to keep a timber industry alive in Southeast Alaska, not give the Forest Service a blank check to phase it out,” Frank Garrison, a lawyer with the Pacific Legal Foundation, said in a statement.

He added: “This decision allows the agency to ignore both the statute and its own forest plan while offering only token old-growth sales that cannot sustain the businesses and communities Congress sought to protect. Our clients are not asking for special treatment — they are asking the government to follow the law.”

In arguments to the court, the plaintiffs also said the southeast strategy amounted to a regulation that should have been subject to formal rulemaking and public comment.

The Tongass timber law requires the Forest Service to “seek to provide” an amount of timber that meets market demand. Other federal laws lay out mandates around sustainable timber yields from the national forest system, as well as a “multiple use” mission that the Forest Service said doesn't place timber harvesting above other purposes such as recreation and environmental protection.

The forest plan amended in 2016 is slated for a revision, and the Trump administration has published a notice of intent to prepare an environmental impact statement.