

**ANCHORAGE DAILY NEWS OPINION  
JANUARY 29, 2007**

**It's the end**

This subsistence legal fight is over.

For years, opponents of the federal rural subsistence hunting and fishing priority have attacked the law in court, to no avail. This month, their legal war ended not with a bang but with a whimper. The U.S. Supreme Court refused to hear the last-ditch appeal filed by subsistence-priority opponents.

The federal courts recognize what the priority's opponents refuse to. The federal government has the authority to give rural residents first crack at fish and game on federal lands in Alaska. The priority is not discriminatory, because it is not based on race. The priority is not arbitrary, because it recognizes legitimate differences based on where people live. Rural residents -- and not just rural Alaska Natives -- are isolated from conventional food supplies and rely heavily on wild fish and game to feed themselves. They can't just make a quick run to the grocery store for a \$3 gallon of milk. The federal subsistence priority does not violate Alaska's statehood compact. The feds still own the lands in question, and they retain the power to manage their own lands as they choose.

Alaskans can certainly quibble about the right way to define "rural" for subsistence purposes. Some larger towns off the road system have well-stocked stores, but many Natives and other residents still rely heavily on hunting and fishing. Some residents live on the road system in places that look rural by Lower 48 standards, but their residents can drive to the modern conveniences of a town or city, unlike those living in remote villages reachable only by boat and air.

The federal subsistence board has to referee disputes about what places get the subsistence priority and which do not. But as the courts have settled once and for all, that's a judgment call the government has the legal power to make.

**BOTTOM LINE:** Federal courts won't undo the rural subsistence priority -- nor should they.