

# Sioux win back hunting rights

**The Associated Press**

Reversing a lower court, a federal appeals panel ruled Monday that the Lower Brule Sioux Tribe has exclusive jurisdiction over hunting and fishing rights for its members on land taken for two dams.

"There is simply nothing about the construction of a federal dam and reservoir project that necessarily requires Indians to lose their hunting and fishing rights," said the 8th U.S. Circuit Court of Appeals.

The controversy stems from the Acts of Congress authorizing construction of the Fort Randall and Big Bend dams through the heart of the 446,500-acre Lower Brule Indian Reservation in central South Dakota as part of the Missouri

River-Basin Project.

The Lower Brule Sioux Tribe held that they should enjoy the exclusive fishing and hunting privileges guaranteed them under the Fort Laramie treaties.

But the state said the Acts diminished the reservation, nullifying those rights.

"The district court held that the Fort Randall and Big Bend Acts abrogated the rights guaranteed to the Lower Brule Sioux by the 1868 Fort Laramie Treaty to exclusively use and occupy the reservation land and to hunt and fish on that land free of state regulation," said the three-judge appeals panel.

"Because we find that Congress did not intend to abrogate the Indians' treaty-

reserved hunting and fishing rights when it enacted the Fort Randall and Big Bend Acts, we reverse the district court's judgment on this issue."

The reason, said the panel in a unanimous 34-page opinion, is that the right to occupy the land and the right to hunt on it could be separated.

"Accordingly," it said, "the Lower Brule Sioux retain jurisdiction over tribal hunting,