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Deal Puts Yellowstone Bison on Ted Turner's Range



Nicole Bengiveno/The New York Times

Bison wander out of Yellowstone National Park in Montana to give birth or find fresh grazing.

By KIRK JOHNSON

Published: May 21, 2010

Multimedia



Map

Where the Bison Roam

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Nicole Bengiveno/The New York Times

In the spring, state workers and livestock agents herd the wandering bison back into Yellowstone, a process called hazing.

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BOZEMAN, Mont. — When dozens of wild American bison wandered out of [Yellowstone National Park](#) in search of greener grass and wound up five years later sheltered on a giant ranch owned by [Ted Turner](#), media mogul and bison meat kingpin, the species reached what many believe could be a turning point.

Mr. Turner, under an unusual custodial contract with the state of Montana, offered to shepherd the animals for the next five years as part of an experimental program. It will grant him a sizable portion of their offspring in exchange, much to the chagrin of environmentalists who sued the state, saying the bison belong to the public. Mr. Turner is not restrained from using the bison for commercial breeding or sale.

The "Yellowstone 87" are a kind of Noah's ark of their kind. Genetically, these bison still carry the shaggy swagger of their Ice Age forebears that lived alongside saber-toothed cats and woolly mammoths.

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Montana wildlife managers hope they will be the fount for establishing new free-roaming populations elsewhere in the state or around the West — if the animals prove, through the five years of testing, to be free of diseases that can infect cattle, especially [brucellosis](#).

At the heart of the controversy is the human intervention that has shaped the animal's history, from the brink of extinction around 1900 to their strange modern status. They are now raised for meat by the hundreds of thousands on private ranches, or left to roam free in Yellowstone.

On Friday, with the snow-capped Big Belt Mountains in the distance, the animals on Mr. Turner's ranch looked straight out of Frederic Remington — calves frolicked and cows dozed while a giant bull stood his ground, staring down a group of would-be intruders on his realm.

[A lawsuit](#) by a coalition of environmentalists argues that the state, by facilitating the bison's passage from wild to owned — and by the biggest purveyor of bison meat in the nation, no less, through Mr. Turner's vast ranches and restaurant chain, [Ted's Montana Grill](#) — violates its duty to manage wildlife, like water or air, for the good of all.

In court papers filed this month, state officials said that they were working for the benefit of the species, and that the plight of individual animals — by their calculation, about 188 bison will be born over the next five years and remain in Mr. Turner's possession — did not cancel out the higher goal.

They also say that Mr. Turner filled an urgent need: The 87 animals spent more than four years in quarantine for a round of disease testing and needed a bigger home on the range, and Mr. Turner's ranch and expertise were unmatched.

The cattle industry remains a powerful cultural force in Montana, and is generally no big fan of Mr. Turner's, given his openly expressed disdain for cattle. It has opposed the establishment of free-roaming bison populations that could compete with cattle for grass on federal grazing lands or endanger herds with disease.

And so this week, as they do every spring in a process called hazing, state workers and livestock agents used helicopters, horses and trucks to chase back the wild bison that had wandered out of Yellowstone to give birth or find fresh grass.

About five miles from the park boundary, an odd dynamic was in play. In a residential area of vacation and retirement homes, a group of 15 animals sauntered and grazed. Frisky calves a week or two old galled about, butting against their stolid mothers. But a few miles a way, a hazing operation, with helicopter overhead, was chasing another herd back in as volunteers from the [Buffalo Field Campaign](#), a group that opposes the forced removal of the animals from lands on park borders, monitored and photographed on the ground. ("Buffalo" and "bison" are used interchangeably.)

"Every year is different, and the animals are always incredible, so I keep coming back," said Cindy Rosin, 33, an elementary school art teacher from Queens, who was in her fifth season as a hazing monitor.

But the tangled web of bison life here, and the new chapter of its history beginning on Mr. Turner's [Flying D Ranch](#), raise major questions for environmentalists, ranchers and bison chefs, too — most notably perhaps, what does it mean to be wild?

Are bison like the 3,000 or so inside Yellowstone, confined and accustomed to gawking tourists, truly wilder than their ranch-raised cousins?

And should one group of animals have the right to roam free — with environmentalists and lawyers as allies, ready to file lawsuits — while the other group is just burgers on the hoof? About 70,000 ranch bison go to slaughter each year according to the [National Bison](#)

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[Association](#), a ranchers' trade group, about one-fifth of them from Mr. Turner's herd of about 55,000 animals.

A biological wrinkle further compounds those questions. Most ranch-raised bison, unlike their Yellowstone cousins, carry a few cattle genes, wildlife biologists say, mostly from cross-breeding experiments early in the 20th century. But Yellowstone bison, marooned in the park during the decades of widespread slaughter elsewhere, are considered genetically pure.

Mr. Turner would not be interviewed, but in application documents with the state he said that the offspring he kept would be used to "increase the genetic diversity" in a bison herd on another Turner ranch in New Mexico. His company, Turner Enterprises, specifically said it could make no guarantees about the animals' ultimate use or fate. In the past, bison from the New Mexico herd, which the filing said originated from Yellowstone breeding stock in the 1930s, have been sold to private parties.

On Friday, Turner Enterprises allowed journalists a first look at the Yellowstone 87 now roaming on 12,000 acres at the Flying D Ranch, about a half-hour from Bozeman. In the three months since their arrival, and the onset of calving season, their number has grown to 94, with eight new calves (one of the original herd died). Six, under the formula, will stay behind as Turner property.

"This may sound simplistic, but we are doing this to help," said Russell Miller, the general manager of Turner Enterprises, explaining that the idea of giving the animals ample room and board without taking any cash for their services came from the Turner side. "We knew the state was cash-strapped and we thought it would be a palatable solution," he said.

One expert on environmental law and the public trust, Prof. Mary C. Wood, said the Turner arrangement, whether proven illegal or not in court, had put the state in an awkward position. The potential trouble comes not from having a management deal to shelter and test the bison, she said, but from making it a cashless transaction, with payment in a sort of barter of live, presumably state-protected animals.

"Under public trust doctrine, the state has a 100 percent obligation to protect the species," said Professor Wood, the director of the [Environmental and Natural Resources Law](#) program at the [University of Oregon](#) Law School. "When it starts walking the line of contracting out its essential sovereign functions and bartering the yield that comes out of that, it raises very serious questions."

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