

March 12, 2025

Re: HB25-1283 Wild Horse Project Management & Immunocontraception

Dear Honorable Members of the Colorado General Assembly,

My name is Jennifer Best, and I am the Director of Friends of Animals Wildlife Law Program in Centennial, Colorado. Friends of Animals has a longstanding commitment to advocating for wild horses, including successful litigation against the Bureau of Land Management (BLM) to address mismanagement issues. We have consistently identified ways for more humane and scientifically sound management of wild horses.

HB25-1283 does not prioritize critical objectives such as restoring wild horse habitats and adopting transparent, science-based range assessment and management strategies. Instead, it emphasizes increased fertility control, repeals the Wild Horse Project, and shifts management to the Colorado Department of Agriculture. This bill largely undermines existing legal protections for wild horses and raises serious statutory, administrative, and ethical concerns. The Wild Free-Roaming Horses and Burros Act of 1971 (WFRHBA), 16 U.S.C. §§ 1331-1340, explicitly designates the Bureau of Land Management (BLM) and the U.S. Forest Service as the federal agencies responsible for managing wild horses on public lands.

Significantly, Colorado lacks the legal authority to manage wild horses on federal public lands, a jurisdiction reserved for federal agencies such as the BLM. The proposed allocation of state funds toward a program beyond state jurisdiction represents a misallocation of taxpayer resources and could lead to legal conflicts concerning state and federal management roles. The authorization of the Colorado Department of Agriculture to directly intervene in federally protected wild horse populations risks encroaching on federal jurisdiction.

Further, HB25-1283 also raises serious concerns by granting the Department of Agriculture the authority to establish a Wild Horse Advisory Committee, with appointments made by the Commissioner of Agriculture rather than a wildlife expert. This change in oversight moves the focus away from wildlife conservation and toward expanding the use of fertility control methods.

This bill supports a flawed system by enabling the BLM to maintain dangerously low wild horse populations through harmful fertility controls. It explicitly places wild horse management in the hands of groups that prioritize the meat industry and overuse public lands for livestock grazing. As nonprofits are clearly facing budget cuts from federal grants, this is an especially ill-timed shift that could divert taxpayer dollars away from habitat restoration projects and other programs the public has vested interest in prioritizing.

HB25-1283 endorses BLM's arbitrary population targets without mandating transparent, science-based range assessments. The National Academy of Sciences has criticized such population targets for their lack of scientific support and transparency, highlighting the need for standards that ensure equity and quality in establishing and adjusting Appropriate Management Levels (AMLs). The continued reliance on outdated and non-transparent AMLs perpetuates ineffective management practices that fail to address the root causes of range degradation.

The reality is that there is no overpopulation of wild horses in Colorado. In fact, in 2024, there were only about 1,527 left on 365,988 acres of public land managed by the BLM. After roundups in the fall of 2024, Colorado's current population of wild horses was estimated to be approximately 1,300. The Equid Specialist Group of the International Union for Conservation of Nature's Species Survival Commission recommends minimum populations of 2,500 individuals to conserve genetic diversity. Currently, none of Colorado's herd management areas meet the minimum viable population size needed for long-term sustainability. The state's entire wild horse population fails to meet the genetic and ecological standards set by conservation experts. The combined appropriate management level (AML) for Colorado is concerningly low, as it falls significantly below the threshold necessary for a sustainable population and is arbitrarily designated at 812 individuals.

The application of fertility control, particularly pesticides like porcine zona pellucida (PZP), remains highly controversial due to its ethical and welfare implications. HB25-1283's emphasis on these methods, along with the removal of wild horses, risks triggering out-of-season births, disrupting natural herd dynamics, and weakening genetic diversity—key factors for the long-term adaptability and survival of wild horse populations. Such interventions could ultimately lead to the eradication of Colorado's wild horse herds, undermining the ethical duty to protect these iconic animals and preserve their natural behaviors. Moreover, placing control in the hands of agricultural interests risks reducing wild horses to experimental subjects, with potentially devastating consequences for both herd health and the welfare of individual horses.

To foster a more balanced approach for Colorado's wildlife and ensure the effective use of taxpayer money, it would be more beneficial to re-evaluate the Bureau of Land Management's population targets and public land use rather than increasing the implementation of unnecessary fertility control pesticides like porcine zona pellucida (PZP).

Emphasizing fertility control measures and other population-reduction strategies undermines the welfare of wild horses and constitutes a failure to comply with federal mandates designed to protect them. Studies consistently show that healthy wild horse herds are essential to a thriving ecosystem. Unlike domestic cattle and sheep, wild horses contribute positively to the environment, especially in times of drought.¹ Wild

¹ See Lundgren, E. J., et al. (2021). Equids engineer desert water availability. *Science*, 372 (6541), 491-495; Downer, C. C. (2014). The horse and burro as positively contributing returned natives in North America. *American Journal of Life Sciences*, 2(1), 5-23; see also Lundgren, E. J., Ramp, D., Ripple, W. J., & Wallach, A. D. (2018). Introduced megafauna are rewilding the Anthropocene. *Ecography*, 41(6), 857-866.

horses dig wells, creating oases that benefit other wildlife. They help prevent catastrophic fires and enhance soil moisture retention. Furthermore, they spread plant seeds over large areas, with many seeds passing through their digestive systems intact and being deposited back into the soil, fertilized by their droppings. Rather than degrading the ecosystem, wild horses play a crucial role in sustaining and enriching it.

Nonetheless, BLM continues to spend millions of taxpayer dollars to keep populations at extremely low AMLs. The National Academy of Sciences reported in 2013 that "how AMLs are established, monitored, and adjusted is not transparent to stakeholders, supported by scientific information, or amenable to adaptation with new information and environmental and social change."² The Report explained, "it is important to keep up and maintain standards for transparency, quality, and equity in the establishment, adjustment, and monitoring AMLs."³ The BLM, which commissioned this report, has never corrected the problem and continues to rely on outdated population targets that predate the report.

Overall, HB25-1283 ignores the core problem in wild horse management—the BLM has sacrificed the protections Congress afforded wild horses in the Wild Free-Roaming Horses and Burros Act to the meat industry and other commercial interests. Of the 245 million acres of public land managed by the BLM, 155 million are open to livestock grazing. By contrast, wild horses are restricted to just 26.9 million acres (which continues to decrease under BLM management), and they must share this land with livestock. Upwards of 2 million cattle graze public lands, not to mention millions of sheep, and the government has authorized thousands of oil, gas, and mineral extraction projects in these areas. Livestock grazing and mining, not wild horses, are damaging the environment, fragmenting wildlife habitat, and contributing to the climate crisis.

For example, in the grazing permits for the Sand Wash Basin Herd Management Area, which consists of 151,435 BLM acres, only 362 wild horses are allowed to graze, while a staggering 12,026 sheep and 300 cattle are permitted on the same land. Despite already being considered within AML,⁴ BLM's most recent FY2025 Tentative Gather and Fertility Control Schedule dated March 3, 2025, proposes yet another unnecessary roundup in this herd management area. With unclear timelines, the plan calls for permanently removing 45 wild horses, treating 15 with PZP through September 2025, and potentially darting 150 more.⁵ These repeated interventions, with unclear dates, reveal a troubling push to reduce wild horse populations, disregarding their stability and well-being.

Additionally, HB25-1283 prohibits the transfer of forage from private industries to wild horses and other wildlife without their agreement. Public lands should not be controlled

² National Research Council. *Using science to improve the BLM wild horse and burro program: a way forward*. National Academies Press, 2013, at 12.

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by industry interests, and agriculture should not take precedence over the protection of wild horses and wildlife.

HB25-1283 not only fails to protect Colorado's wild horses but actively puts them at risk by prioritizing unnecessary fertility control methods. The debate over managing wild horses' reproductive lives has become so heated that it has created a significant divide among wild horse advocates. Wild horses are symbols of American freedom and belong on the land—not in government holding facilities or subjected to experimental population control. The bill also lacks sufficient safeguards to alleviate concerns about adoptions that may continue to be associated with slaughter sales.

Given the serious legal, ethical, and ecological concerns, I respectfully urge the Colorado General Assembly to reject HB25-1283. Instead, Colorado should support management strategies that prioritize wild horse welfare, uphold legal protections, and address environmental challenges. A sustainable approach must focus on habitat restoration and transparent, science-based range assessments. Thank you for your attention to this issue. I would welcome the opportunity to discuss this further.

Sincerely,

/s/Jennifer Best
Jennifer Best
Director, Wildlife Law Program

Friends of Animals
Wildlife Law Program
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Centennial, CO 80112
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/s/Jennifer Best
Jennifer Best
Director, Wildlife Law Program

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Centennial, CO 80112
jennifer@friendsofanimals.org

Thank you, Madame Chair, Madame Vice-Chair, and Committee Members, and a special thanks to Majority Leader Duran and Minority Leader Winter for sponsoring this important bill and providing us with the opportunity to share our input.

My name is Dr. Erick Lundgren. I am a postdoctoral research ecologist in the Department of Biology at the University of Alberta and I am currently serving as the director of research at Rewilding America Now, an environmental non-profit dedicated to rewilding North American landscapes.

I applaud HB 25-1283 for being a progressive state-led initiative to foster better outcomes for wild horses, local economic development, and better management practices.

I respectfully propose that the bill acknowledge the potential benefits of creating wildlife corridors and reserves that protect not just wild horses but also the other incredible native wildlife of Colorado.

This recommendation is based on the emergence of the paradigm of rewilding in conservation biology and ecology. Rewilding emphasizes that ecosystems have always been dynamic and that certain species, especially large herbivores like wild horses, and their predators, play key roles in maintaining functional ecosystems.

For instance, horses are uniquely capable of consuming dry low-quality vegetation and thus reducing wildfires. My current research is showing that wild horses, unlike smaller ruminants or livestock, preferentially graze on dry cheatgrass and other flammable grasses, thus making landscapes less likely to burn. Likewise, wild horses, and their cousins, wild burros, have been shown to play important roles in maintaining surface water through well digging and grazing of competitively dominant plants. Additional research in the field of rewilding has highlighted the fundamental importance of large herbivores, especially hindgut fermenting herbivores like horses, in helping plants keep up with climate change.

There is considerable common ground between preserving a future with wild horses and preserving Colorado's wildlife, especially as mountain lions and wolves are major predators of wild horses in Nevada and in Europe. Protecting predators in areas with wild horses can reduce our need to manage wild horse population growth and aligns with voter-led initiatives to restore predators to Colorado's ecosystems.

In closing, I urge committee members to vote 'yes' on this bill and consider the possibility that conserving wild horses, in the wild, and wild nature can be win-win situations for Coloradans and for fostering resilience to climate change.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erick Lundgren', with a long horizontal stroke extending to the right.

Erick Lundgren

March 13th, 2025