

A herd of wild horses is running across a desert landscape at sunset. The horses are in the foreground, galloping from left to right. The background features a vast, open plain with distant, flat-topped mountains under a sky with soft, orange and yellow clouds. The overall mood is majestic and wild.

Managing America's Wild Horses & Burros

A LEGAL & POLICY BRIEFING
BY KEELY HOPKINS

The Legal Framework, Population Reality, and Litigation

Prepared July 2026 · Sources: BLM, U.S. Forest Service, Congressional Research Service

Wild Horses: The Iconic Symbol of the American West

No other animal is bound so tightly to the identity of the American West. The mustang stands in for the frontier itself — and that symbolism shapes how the public, the courts, and Congress treat these herds.

A living symbol of freedom

Roaming, unbranded, and untamed, wild horses embody independence and open country — the enduring image behind a century of Western art, film, and advertising.

Woven into Western history

Descended from horses brought by Spanish explorers, mustangs carried Indigenous nations, ranchers, and cavalry across the plains, becoming inseparable from the story of the frontier.

A cause that moved Congress

Congress to pass the 1971 Wild Free-Roaming Horses and Burros Act almost unanimously, protecting them as “living symbols of the historic and pioneer spirit of the West.”



The mustang in modern culture

Few animals have been claimed by so many corners of American life — cars, teams, aircraft, and the screen.



AUTOMOTIVE

Ford Mustang

The 1964 “pony car,” still badged with a galloping wild horse.



PRO FOOTBALL

Denver Broncos

In the NFL since 1960, led onto the field by Thunder, its live bronco mascot.



COLLEGE SPORTS

SMU Mustangs

Dallas’ team since 1917, with live pony mascot “Peruna” since 1932.



AVIATION

P-51 Mustang

The WWII fighter — 15,000+ built — named for the horse’s speed and reach.



FILM & MUSIC

“The Mustangs” (2021)

Redford’s documentary, scored by Springsteen and Willie Nelson.

PROTECT OUR
WILD HORSES
STOP THE ROUNDUPS

PUBLIC LANDS,
PUBLIC ANIMALS

SAVE THE
THE
MUSTANGS

SAVE THE
THE
MUSTANGS

WILD
FREE

WILD &
FREE

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History of Wild Horses

BEFORE 1500

Native origin, then a long absence

Horses evolved in North America over millions of years, then vanished from the continent roughly 10,000 years ago — surviving only across Eurasia, where they were later domesticated.

1500 – 1600s

Spanish explorers bring the horse back

Spaniards called the ownerless herds *mesteños* — the root of the word “mustang.”

1800s-1970

Peak herds, then steep decline

By the mid-20th century, growing human settlement and competition for rangeland led to widespread efforts to remove or eradicate wild the horses.

The Wild Free-Roaming Horses and Burros Act of 1971

“Living symbols of the historic and pioneer spirit of the West.”

The 1971 Act declares wild horses and burros protected from capture, branding, harassment, or death — to be managed as living components of the public lands.

16 U.S.C. §§1331 et seq.

Dual purpose

Protect the animals while maintaining a “thriving natural ecological balance” on the range.

Federal duty

Directs the Secretaries to inventory herds and manage populations on designated public lands.

Removal authority

When overpopulation is found, the Act requires removal of excess animals from the range.

The Wild Horse and Burro Act

(a) Jurisdiction; management; ranges; ecological balance objectives; scientific recommendations; forage allocation adjustments

All wild free-roaming horses and burros are hereby declared to be under the jurisdiction of the Secretary for the purpose of management and protection in accordance with the provisions of this chapter. The Secretary is authorized and directed to protect and manage wild free-roaming horses and burros as components of the public lands, and he may designate and maintain specific ranges on public lands as sanctuaries for their protection and preservation . . . ***The Secretary shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands.***

All management activities shall be at the minimal feasible level and shall be carried out in consultation with the wildlife agency of the State wherein such lands are located in order to protect the natural ecological balance of all wildlife species which inhabit such lands, particularly endangered wildlife species. Any adjustments in forage allocations on any such lands shall take into consideration the needs of other wildlife species which inhabit such lands.

Inventory and determinations

(b) Inventory and determinations; consultation; overpopulation; research study: submittal to Congress

(1) The Secretary shall maintain a current inventory of wild free-roaming horses and burros on given areas of the public lands. The purpose of such inventory shall be to: make determinations as to whether and where an overpopulation exists and whether action should be taken to remove excess animals; determine appropriate management levels of wild free-roaming horses and burros on these areas of the public lands; and determine whether appropriate management levels should be achieved by the removal or destruction of excess animals, or other options (such as sterilization, or natural controls on population levels).

Removal of excess animals

(b) Inventory and determinations; consultation; overpopulation; research study: submittal to Congress

(2) Where the Secretary determines . . . that an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels. Such action shall be taken, in the following order and priority, until all excess animals have been removed so as to restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with overpopulation.

How It's Going Now



THE CORE PROBLEM

Population vs. Appropriate Management Level

On-range population (2026)



On-range population (2025)



Appropriate Management Level



~3× over the sustainable ceiling

152 of 177 herds exceed their AML. Left unchecked, herds can roughly double every four years.



Two agencies, one shared mandate

Bureau of Land Management

DEPT. OF THE INTERIOR

- Manages the vast majority of wild horses & burros
- 175 herd management areas across ~25.5 million acres
- Operates gathers, adoptions, sales & off-range holding
- Carries almost the entire program budget

U.S. Forest Service

DEPT. OF AGRICULTURE

- Manages herds on National Forest System lands
- Smaller share of the national population
- Same statutory protections under the 1971 Act
- Coordinates with BLM on shared approaches

Both agencies set an Appropriate Management Level (AML) — the number of animals a herd's range can sustain in balance with wildlife, livestock, water, and soil.

The budget picture

\$142 M

FY2025 appropriation for the BLM
Wild Horse & Burro program

Off-range holding · ~2/3

Gathers, fertility
control, adoptions,
staff & operations

Costs keep climbing

Program spending has risen for decades as the held population grows year over year.

Holding crowds out solutions

Every dollar locked into lifetime care is a dollar unavailable for gathers or fertility control.

The question for Congress

Is funding adequate — and used in the right mix — to actually reach AML?

Litigation

Colvin & Son, LLC, et al. v. Burgum et al.

U.S. Court of Appeals, 9th Circuit • No. 25-1888 • Decision pending

Parties

Colvin & Son, LLC and Stone Cabin Ranch, LLC — Nevada cattle ranchers holding grazing permits in the Stone Cabin Complex — v. Interior Secretary Doug Burgum and BLM officials.

Issue

Whether the Wild Free-Roaming Horses & Burros Act requires BLM to remove excess wild horses “immediately,” or whether roundups may be deferred for funding and holding-corral limits.

Status

The district court ruled for the government, finding removal “as promptly as reasonably possible” complies. The ranchers appealed; the 9th Circuit heard argument in March 2026, with a decision pending.

In Def. of Animals, Dreamcatcher Wild Horse & Burro Sanctuary v. U.S. Dep't of Interior, 751 F.3d 1054 (9th Cir. 2014).

U.S. Court of Appeals, 9th Circuit • No. 12-17804 • Decided May 12, 2014 • Affirmed

Parties

In Defense of Animals and Dreamcatcher Wild Horse & Burro Sanctuary (with individual members) — v. the U.S. Department of the Interior and BLM; Safari Club International intervened for the government.

Issue

Whether BLM's 2010 gather of roughly 1,600 wild horses and 160 burros from the Twin Peaks Herd Management Area (California–Nevada border) violated the Wild Free-Roaming Horses & Burros Act and NEPA by not preparing an environmental impact statement.

Holding

The 9th Circuit affirmed summary judgment for the government — BLM acted within its authority to remove animals above the Appropriate Management Level, and its decision not to issue an EIS was not arbitrary or capricious.

Am. Wild Horse Campaign v. Bernhardt, 963 F.3d 1001 (9th Cir. 2020).

U.S. Court of Appeals, 9th Circuit • No. 18-17403 • Decided July 2, 2020 • Affirmed

Parties

American Wild Horse Campaign and Kimerlee Curyl — wild-horse advocates — v. Interior Secretary David Bernhardt and BLM officials.

Issue

Whether BLM’s “geld and release” plan for managing wild-horse overpopulation in northeastern Nevada violated NEPA, the APA, and the Wild Free-Roaming Horses & Burros Act — chiefly whether an environmental impact statement was required.

Holding

The 9th Circuit affirmed for the government — BLM did not act arbitrarily or capriciously; it reasonably found no significant environmental effect (so no EIS was required) and satisfied its duty to consult the National Academy of Sciences.

Why These Cases Matter

Three Ninth Circuit cases frame BLM's legal room to manage wild-horse overpopulation.

Courts give BLM broad discretion over methods

In *Defense of Animals* (2014) and *Am. Wild Horse Campaign* (2020) upheld BLM's gathers and fertility-control tools, deferring to the agency so long as it takes NEPA's "hard look" and reasonably explains its choices.

But the mandate to remove excess horses cuts the other way

Colvin & Son (pending) presses the opposite edge: ranchers argue the Act's "immediate removal" command forces BLM to gather faster and bars open-ended delays for funding or corral space.

Bottom line

Together they bracket BLM's bind — courts permit its management tools but may compel timelier removals, even as holding capacity and budget limit how fast it can act.

Other Notable Cases

Kleppe v. New Mexico, 426 U.S. 529 (1976)

U.S. Supreme Court • Unanimous • Property Clause authority

The Supreme Court unanimously upheld the Wild Free-Roaming Horses & Burros Act as a valid exercise of Congress's power — federal authority to protect and manage wild horses on public lands overrides conflicting state law.

Mountain States Legal Foundation v. Hodel, 799 F.2d 1423 (10th Cir. 1986)

10th Circuit, en banc • Fifth Amendment takings claim rejected

Ranchers in Wyoming's "checkerboard" argued that federal protection of wild horses grazing their private land was an uncompensated taking. The en banc court disagreed — the horses are not federal instruments, and lost forage did not amount to a Fifth Amendment taking.

Questions?

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